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Manchester, N.H. Ordinances, etc.

THE  
C H A R T E R  
WITH ITS  
AMENDMENTS  
AND THE  
REVISED ORDINANCES,  
OF THE  
CITY OF MANCHESTER.

---

PUBLISHED UNDER THE AUTHORITY OF THE CITY COUNCIL.

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MANCHESTER, N. H.,  
HENRY A. GAGE & Co., PRINTERS.

1859.

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CITY OF MANCHESTER.

IN BOARD OF ALDERMEN :

AN ORDER—Authorizing the Printing and Binding of the City Charter and Ordinances.

ORDERED, if the Common Council concur, That the City Clerk be and he is hereby authorized to procure for the use of the members of the City Council the printing and binding of two hundred copies of the City Charter and Ordinances of the City of Manchester, and charge the same to the appropriation for incidental expenses.

Feb. 1, 1859.

Passed to be enrolled.

HORACE PETTEE, PRESIDENT.

February 1, 1859, IN BOARD OF MAYOR AND ALDERMEN : Passed.

E. W. HARRINGTON, MAYOR.

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# THE CHARTER.

*Be it enacted by the Senate and House of Representatives in General Court convened.*

SECTION 1. The inhabitants of the town of Manchester, in the County of Hillsborough, shall continue to be a body corporate and politic under the name of the CITY OF MANCHESTER; and as such, shall have, exercise and enjoy all the rights immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to, said town, as a municipal corporation.

SEC. 1, OF THE AMENDMENT. That the administration of all the fiscal, prudential and municipal affairs of said city and the government thereof, shall be vested in one principal officer, to be styled the Mayor, who shall be chosen by the inhabitants of said city at large, voting in their respective wards; one Council of six, to be denominated the Board of Aldermen; one Council of eighteen, to be denominated the Board of Common Council, which two boards shall, in their joint capacity, be denominated the City Council. A majority of each Board shall constitute a quorum for the transaction of business. No mem-

Town of Manchester to be a body corporate under the name of 'City of Manchester,'

And shall have all the powers & be subject to all the liabilities of said town.

Administration of all fiscal, prudential and municipal affairs to be vested in the mayor.

To be one council of six, styled board of aldermen, one of 18 styled board of com. council,

in their joint capacity to be called city council.

A maj. of each board a quorum,

No member to receive compensation of either Board shall receive any compensation for his services.

To be divided into six wards.  
SEC. 2, OF AM'T. The City of Manchester hereby is, and shall continue to be, divided into six wards, which shall be constituted as follows, viz:

Ward one to be &c. WARD No. 1 shall include all that part of the City situated between Merrimack river on the west, and Elm street on the east, and the centre line of Market street produced to the river on the south and the centre line of the road leading from the Amoskeag Falls bridge to Elm street on the north.

Ward two. WARD No. 2 shall include all that part of the City situate between Elm street on the east, and the Merrimack river on the west, and between the south line of ward No. 1 on the north, and a line from the point where Elm street intersects the old river road near the Valley Cemetery, due west to the Merrimack river on the south.

Ward three. WARD No. 3 shall include all that part of the City now included within the limits of School District No. 1, and so much of School District No. 2, as is situated east of Elm street, and north of the centre line of Lowell street produced to the easterly line of said School District No. 2.

Ward four. WARD No. 4 shall include all that part of the city situated between Elm street on the west and the Wilson road on the east, and between the south line of ward No. 3 on the north and Hanover street on the south.

Ward five. WARD No. 5 shall include all that part of the city situate between Elm street on the west and

the Wilson road on the east, and the south line of ward No. 4 on the north and the centre line of Central street produced to the Wilson road on the south.

WARD NO. 6 shall include all that part of the city which is not included in any of the above wards. <sup>Ward six</sup>

SEC. 3, OF AM'T. Each of the city wards shall be a town for the purpose of the election of governor, councillors, senators, representatives to the general court, all county officers, representatives to Congress, and electors of President and Vice President of the United States. No person shall be considered as dwelling or having his home in any of said towns for the purpose of voting therein, unless he shall have resided within said town three months next preceding the day of any meeting in which he claims a right to vote. <sup>Each of the city wards to be a town for certain purposes.</sup> <sup>No person to be a voter in any of said wards unless he has resided within said town 3 mouths.</sup>

SEC. 4, OF AM'T. Three selectmen, a moderator and town clerk shall be elected in each of said towns, who shall have the powers, perform the duties, and be subject to the liabilities of those officers in other towns, so far as relates to the warning of meetings, regulating, correcting and posting up check-lists, deciding upon the qualification of voters, conducting elections, declaring the votes, and recording the same, the return of votes to the Secretary of State, making certificates of elections, and all other matters relating to elections, as fully as if the same were herein specifically enumerated, and shall also perform and discharge all the duties of wardens, inspectors and ward clerks. <sup>Selectmen moderator and town clerk to be ch'n</sup> <sup>Their duties and liabilities.</sup> <sup>Post up check-list.</sup> <sup>Return votes to Sec'y of State, &c.</sup> <sup>To perform all duties of wardens, inspectors and ward clerks.</sup>

Annual meeting  
to be 2d Tuesday  
of March.

**SEC. 5 OF AM'T.** The annual meeting of the inhabitants for the choice of city and ward officers, shall be holden on the second Tuesday of

All city, ward &  
town officers to  
be chosen by  
ballot, & to hold  
office 1 y'r &c.

March, and all city, ward and town officers who are chosen by the people, shall be chosen by ballot, and shall hold their respective offices for one year from the third Tuesday of March, and until others are chosen and qualified in their stead.

Clerk to record  
votes.

The clerk shall record the votes, and proceedings of all town or ward meetings, shall enter on the records the names of all persons voted for, and the number of votes given for each in

To deliver to his  
successor all  
books &c.

words at length. The clerk shall deliver to his successor in office all the records, record books, journals, documents and other things held by him in his capacity of clerk.

Each ward to  
choose 1 ald. &  
3 common coun-  
cilm'en.

**SEC. 6, OF AM'T.** Each ward shall, at the annual meeting, choose one alderman, and three members of the common council; but if the

When there is no  
choice of city  
officers, meeting  
to be adj. from  
day to day.

choice of alderman and common councilmen and town or ward officers cannot be conveniently made or completed on that day, the meeting shall be adjourned from day to day to complete the choice.

Clerk to give  
each person cho-  
sen ald. or conn-  
cilm'an a cer-  
tificate of election  
within 24 hours.

The clerk shall, within twenty-four hours of such choice, deliver to each person chosen alderman or common councilman, a certificate of election signed by himself, the moderator, and a majority of the selectmen.

Mayor, how elec-  
ted.

**SEC. 7, OF AM'T.** The qualified voters in each ward shall, at the annual meeting, give in to the moderator their votes for a mayor, which shall be received, sorted, counted and declared, and a record thereof made in the same manner as votes for senators, a copy of the record of

A record of the  
votes to be deliv-  
ered to city clerk  
within 24 hours

which shall be delivered to the city clerk, within ~~after each meeting.~~  
twenty-four hours after every and each meeting.

The city clerk shall, immediately after receiving <sup>To be immediately entered on the city rec'ds & the copies laid before the mayor and aldermen.</sup> said copies, enter the same on the city records, and then lay the said copies before the mayor and aldermen, who shall thereupon examine the same, and cause the person who shall have been <sup>Person elected mayor to be notified.</sup> chosen mayor by a majority of votes in all the wards, to be notified in writing of his election.

If a mayor shall not have been so elected, or shall refuse to accept the office, the mayor and aldermen shall make a record of the fact, and forthwith issue their precept to the selectmen, requiring them to call meetings in their respective wards for another election, and shall fix the time when said meeting shall be called, and the same proceedings shall be had from time to time until a mayor shall be chosen. Whenever the office of Mayor becoming vacant by death, resignation, or otherwise, the boards of aldermen and common council shall, respectively, by vote, declare the same and the cause therof, and the two boards shall thereupon meet in convention and elect a mayor to fill such vacancy as long as said cause shall continue, or until a new election.

The mayor and aldermen shall issue their warrant for a general meeting of the inhabitants, whenever requested so to do, in writing, by one-hundred legal voters. The board of aldermen shall be final judge of the election and qualifications of its members ; and whenever a vacancy shall occur, may order a new election.

SEC. 8. The Mayor, Aldermen and Common Council shall, before entering on the duties of

To take oath of their office, be sworn to the faithful performance of the duties of their respective offices ; and,

To meet in convention for that purpose on 3rd Tues. of March each year. of the clock in the forenoon ; when such oath

By whom administered. may be administered to the mayor elect, if present.

present, by any judge of any court of record in the State, or by any justice of the peace for the County of Hillsborough ; and to the aldermen and common councilmen, by the mayor, he being first sworn as aforesaid, or by such justice of the peace.

Certificate of such oath to be entered in jour. of both boards. A certificate that such oath has been taken, shall be entered in the journal of the mayor and

aldermen, and of the common council, by their respective clerks. If, from any cause, the mayor, or any one or more of the aldermen or common

In case of absence, oath may be administered at any time after. councilmen, shall not be present on the third Tues-day in March, to take the oath required of

them, the same may be administered to them at any time thereafter, before entering on the duties of their office.

Mayor chief executive officer—to have powers of sheriff &c. SEC. 9. The mayor, thus chosen and qualified shall be the chief executive officer of the city,— and for the preservation of the peace shall have all the powers of sheriff and conservator of the peace. He shall cause the laws and regulations of the city to be enforced. He shall exercise a general supervision over the conduct of all subordinate officers, and cause their violation or neglect of duty to be punished. He may call special meetings

May call special meetings. of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by causing a notifica-

tion to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to said boards respectively, such information, and recommend such measures as the interests of the city shall, in his judgment, require. He shall preside in the board of aldermen and in joint meetings of the two boards; but shall have a casting vote only.

He shall be, *ex officio*, chairman of the board of overseers of the poor. He shall receive for his services such salary as the city council shall determine, payable at stated periods, and shall receive no other compensation; but such salary shall not be increased or diminished during his continuance in office.

SEC. 10. The mayor and aldermen shall compose one board, and shall sit and act together as one body, at all meetings of which the mayor shall preside, if present; but, in his absence, the board may choose a chairman for the time being. All their sittings shall be public, when not engaged in executive business, and upon request of any member, the yeas and nays shall be taken and recorded.

SEC. 11. The executive powers of the city, and the administration of police, with all the powers heretofore vested by law in the selectmen of Manchester, shall be vested in the mayor and aldermen, except where it is herein otherwise provided, as fully as if the same were herein specifically enumerated. They shall have full and exclusive power to appoint a city marshal and assistants, a constable, and all

Shall communicate to the board such information as he may judge for the interest of the city.

To preside in b'd of ald. and in joint meetings.

Have a casting vote only.

Ex officio chairman of board of overseers.

Salary to be determined by city council and not to be increased or diminished during continuance in office.

Mayor and aldermen to be one board.

All sittings to be public, except—

"Yea's and nays" taken when.

Mayor and ald. to have all the powers of select-men.

Power to appoint marshal, assistants, constables &c.

other police officers ; and to remove the same from office, for sufficient cause, the mayor and aldermen each having a negative on the other.

*May require  
marshal &c. to  
give bonds.*

They may require the marshal and constables, before entering on the duties of their office, to give bonds with sufficient sureties, to any reasonable amount ; upon which the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by selectmen of towns in this State. And they shall do and perform all the duties which the selectmen of towns are, by law, authorized or required to do and perform within their respective towns, unless it be otherwise provided in this act.

*Shall do and per-  
form all the du-  
ties of Selectmen  
of towns.*

SEC. 13. The persons chosen and qualified as members of the common council, shall sit and act together as one body, distinct from the mayor and aldermen, except when the two bodies are required to meet and act in convention.

*To choose presi-  
dent and clerk.*

The said council shall, from time to time, choose one of its members to preside at all meetings of the board, and preserve order therein ; and shall also choose a clerk, who shall be sworn to the faithful discharge of the duties of that office, and shall hold such office during the pleasure

*Duties of clerk.*

of the council. The clerk, so chosen and qualified, shall attend the common council when in session, and keep a journal of its acts, votes and proceedings, and perform such other serv-

*All sittings of  
the com. council  
to be public.*

All sittings of the common council shall be

*To be final judg-  
es of the election  
and qualification  
of its members,*

public. The common council shall be the final judge of the election and qualification of its

members; and whenever a vacancy shall occur and in case of vacancy, may order a new election. therein, by death, resignation, or otherwise, may order a new election.

SEC. 14. All the powers now vested by law All powers vested in the town of Manchester, now vested in city council. in the town of Manchester, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council, composed as provided in the second section; and shall be exercised by concurrent vote, each board having a negative on the other.

SEC. 15. The city marshal shall, under the mayor, have the control and direction of the police of the city, shall collect the city taxes and shall attend upon the mayor and aldermen when required, and shall be by virtue of his office, constable and conservator of the peace. City marshal to have control of police. Collect taxes.

SEC. 16. There hereby is established, within the city of Manchester, a police court, to consist of one learned, able and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences and misdemeanors, committed within the city of Manchester, whereof justices of the peace now have, or may hereafter have jurisdiction. Police court established.

And the court hereby established shall hear To have all the powers vested in justice of peace. and determine all suits, complaints and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are or may be vested in justices of the peace; and do all acts necessary to, and consistent with, such powers and authority.

And the said police court shall also have original jurisdiction and cognizance of all suits and

actions which may now, or at any time hereafter, be heard, tried and determined before any justice of the peace in the county of Hillsborough ; and no writ in any such suit or action,

All writs to be made returnable to said court. shall be made returnable before any justice within said city of Manchester, but to said police court only ; and an appeal shall be allowed

Appeals allowed, how, &c. from all judgments of police court, in like manner, and to the same extent that appeals are now allowed by law from judgments of justices of the peace ; and the justice of said police

Justice of said court not to be counsel or attorney to any party to any party. court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

All warrants issued by said court, or by any All warrants to be made returnable to said police court. justice of the peace within said city, shall be made returnable, and be returned before, said court ; and if any warrant shall be issued by any justice of the peace, returnable before said

Costs, fees and charges not to be taxed, unless court, the lawful fees, payable therefor, shall not be paid or allowed, unless, on the examination in hearing before said court it shall appear to said court that there was just and reasonable cause for issuing said warrant ; in which case such fees, costs and charges shall be allowed and taxed in like manner, as though said warrant had been issued by a justice of the peace, according to the law now in force.

All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the city of Manchester, in the same manner and under the same penalties for neglect, as are by

Justice to acc'tt for and pay over all fees &c. to the city.

law prescribed in the case of justices of the peace; and all costs in such prosecutions, not thus received, shall be made up, taxed, certified and allowed, and shall be paid and satisfied in like manner as provided by law in cases of justices of the peace.

SEC. 8, OF AMENDMENT. A police court shall be held one day in each week and oftener if necessary, for criminal cases.  
Police court to be held one day in each week and oftener if necessary, for criminal cases.

the first Wednesday of every month, at ten of On 1st Wednes-day of each mo. for civil cases.  
the clock in the forenoon, and may be adjourned from day to day, by the justice thereof, and at such times as may be necessary for the trial of civil suits and actions; and the said justice may from time to time establish all necessary rules for the orderly and uniform conducting of the business thereof. There shall be appointed by the governor, by and with the advice and consent of the council, a special justice of said court, and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall from any cause be unable to Duties of special hear and determine any matter or thing pending justice.  
therein, the court shall be held and its jurisdiction exercised by said special justice. And said special justice shall be paid for the services by him performed two dollars each day.

Gov. and Council to appoint a special justice.

The justice of said court shall account for and pay over to the city of Manchester all fees

Salary of police justice. by him received, or which now accrue to justices of the peace in civil actions and criminal prosecutions, and the said city of Manchester shall pay annually the sum of five hundred dollars in full compensation for all services assigned him by the provisions of this act.

Justice to keep record of proceedings. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal process, and of his doings therein, in the same manner as justices of the peace are now by law

And annually, in the month of January, exhibit to the mayor and aldermen of said city of Manchester, a true and correct account of moneys by him received as fees.

All actions pending before a justice of the peace to be determin'd as if this act had not passed. All suits, actions and prosecutions which shall be instituted and pending before any justice of the peace within the town of Manchester when this act shall take effect, shall be heard and determined as though this act had not been passed.

Powers of city council to make laws, &c. SEC. 17. The city council shall have power to make all such salutary and needful by-laws, as towns and the police officers of towns, and the engineers of fire wards, by the laws of the State, have power to make, and to annex penalties, not exceeding twenty dollars, for the breach thereof; and may make, establish, publish, alter, modify, amend and appeal ordinances, rules, regulations and by-laws for the following purposes:

To prevent and restrain every kind of fraudulent device. I. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

II. To restrain and prohibit all descriptions of <sup>Prohibit gaming,  
&c.</sup> gaming, and fraudulent devices in said city; and all playing of cards, dice, or other games of chance.

III. To prohibit the selling or giving away <sup>To govern the  
sale of ardent  
spirits.</sup> any ardent spirits by any store-keeper, trader or grocer, to be drank in the shop, store, grocery, out house, yard or garden, owned or occupied by the person selling or giving away the same, or elsewhere, except by inn-keepers duly licensed.

IV. To forbid the selling or giving away of <sup>To forbid the  
selling or giving  
to any child, &c.</sup> ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

V. To regulate or prohibit the exhibitions of <sup>To regulate  
shows.</sup> common showmen, and of shows of every kind, or the exhibitions of any natural or artificial curiosities, caravans, circuses or theatrical performances.

VI. To prevent any riot, or noise, disturbance <sup>To prevent riots,  
&c.</sup> or disorderly assemblages.

VII. To suppress and restrain disorderly <sup>To suppress dis-  
orderly houses,  
&c.</sup> houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys, or tables, and ball alleys, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

VIII. To compel the owner or occupant of any <sup>To compel cer-  
tain persons to  
remove nuisan-  
ces.</sup> grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health,

comfort and convenience of the inhabitants of the said city.

Direct the location of certain buildings.

IX. To direct the location and direction of all slaughter houses, markets, steam mills, blacksmiths' shops, and houses for storing powder.

Keeping of gunpowder, &c.

X. To regulate the keeping and conveying of gunpowder, and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Horse-racing & fast riding.

XI. To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person, and to prevent cruelty to animals.

Incumbering streets.

XII. To prevent the incumbering of the streets, side walks, lanes, alleys, wharves and docks, with carriages, carts, sleighs, sleds, wheel-barrows, boxes, lumber, timber, fire wood, or any other substance or materials whatsoever.

Bathing, &c.

XIII. To regulate and determine the times and places of bathing and swimming in the canals, rivers, and other waters in said city.

Vagrants, &c.

XIV. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

Cattle running at large.

XV. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and costs of proceedings.

Dogs running at large.

XVI. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

Nuisances to be removed.

XVII. To prohibit any person from bringing,

depositing, or having within the limits of said city, any dead carcass, or other unwholesome substance ; and to require the removal or destruction by any person who shall have upon, or near his premises, any such substance, or any putrid or unsound beef, pork, fish, hides, or skins of any kind ; and on his default, to authorize the removal or destruction thereof by some officer of said city.

xviii. To prohibit the rolling of hoops, play-<sup>Rolling of hoops &c.</sup> ing at ball, or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and on the sidewalks in said city, or to frighten teams and horses within the same.

xix. To compel all persons to keep the snow, <sup>Snow and ice to be removed.</sup> ice and dirt from the side-walks in front of the premises owned or occupied by them,

xx. To prevent the ringing of bells, blowing <sup>Ringing of bells, &c., prohibited.</sup> of horns and bugles, and crying of goods and other things, within the limits of said city.

xxi. To abate and remove nuisances.

xxii. To regulate and restrain runners for <sup>To regulate runners.</sup> boats and stages, or cars.

xxiii. To survey the boundaries of said city.

xxiv. To regulate the burial of the dead. <sup>Burial of dead:</sup>

xxv. To direct the returning and keeping of <sup>Bills of mortality, &c.</sup> bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

xxvi. To regulate gauging, the place and <sup>Weighing hay, &c.</sup> manner of selling and weighing hay, or selling

pickled and other fish, and of selling and measuring of wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

Porters, &c.

xxvii. To regulate porters, cartmen and cartage.

Watchmen.

xxviii. To appoint watchmen, and prescribe their powers and duties.

Police.

xxix. To regulate the police of said city.

Quality of bread.

xxx. To regulate the quality of bread, and to provide for the seizure or forfeiture of bread baked contrary thereto.

Public pumps,

xxxI. To establish, make and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

Pounds.

xxxII. To establish and regulate public pounds.

Streets, side walks, &c.

xxxIII. Relative to the grade of streets and the grade and width of side-walks; relative to trees, planted for shade, ornament, convenience or use, public or private, and to the fruit of such trees; relative to trespass committed in gardens; relative to the sweeping of chimneys; relative to the forms of oaths to be taken by the treasurer of said city, and the inspectors of produce brought to said city for sale; relative to the bonds to be given by the civil officers of said city for the faithful discharge of their duty; relative to the penalties to be incurred by those who, being chosen to any city office, shall (not being excused by the city) refuse to serve; relative to public lights and lamps; relative to preserving said city from exposure to fire, and to prevent the future erection of any building or

Bonds.

Public lights.

Fire department.

buildings, in the most compact and populous part of said city, or the alteration, or appropriation of any buildings already erected, to be used for bakers' shops, blacksmiths' shops, hatters' shops, or tallow chandlers' shops, or any other buildings for those or similar purposes, which, in the opinion of the common council of said city respectively, shall more immediately expose said city to injury and destruction from fire ; to designate and assign the limits to their said city within which no person or persons shall be permitted in future to erect, use, or occupy any building or buildings, of the kind, or for the use mentioned in this act, without license from the court of common council ; and to make by-laws relative to licensing and regulating porters, cartmen, or truckmen, butchers, petty grocers or hucksters, peddlers, hawkers, and common victuallers, under such restrictions and limitations as to them shall appear necessary ; for designating the place or places for military parades, in or near said city ; for laying out and regulating public squares and walks ; for regulating military parades and rendezvous, within the limits of said city ; and the marching of military companies with music in the streets of said city ; for preventing and punishing trespasses on public buildings ; and in relation to cemeteries, public burial grounds, squares, commons and other public grounds.

And may make any other by-laws and regulations which may seem for the well-being of said city, provided they be not repugnant to the constitution or laws of New Hampshire, which

Laws not to be  
repugnant to the  
constitution of  
the state.

by-laws shall take effect and be in force from the time therein limited, without the sanction or confirmation of any other authority whatever.

~~By Laws to be published.~~ All such by-laws and all city ordinances shall be duly published, in such newspaper or news-

~~All fines, &c. to enure to the city.~~ papers as the city council shall direct. All fines and forfeitures for the violation of any by-law

or ordinance of the city, shall be recovered by complaint before the police court of said city of Manchester, and shall enure to such uses as the city council shall direct ; but the

~~Appeals to be allowed.~~ party prosecuted shall have the right of appeal to the court of common pleas in the same manner, and upon the same terms and conditions as are provided by law for appeals from the judgment of justices of the peace in other criminal prosecutions. It shall be sufficient, in

~~Offence to be set out plainly.~~ any such complaint, to set out the offence plainly and substantially ; but the by-law or ordinance on which the complaint is founded need not be recited or set out.

~~No money to be paid out unless appropriated.~~ SEC. 18. The city council shall take proper care that no money be paid out from the city treasury unless previously granted and appropriated ; shall secure a just and prompt accountability from all persons entrusted with the receipt, custody or disbursement of the moneys or funds of the city ; shall have the care and superintendence of the city buildings, and all city property, and the power to let or sell what

~~Right to purchase property.~~ may be legally let or sold ; and to purchase property, real or personal, in the name and for the use of said city, whenever the interest or convenience of the city shall require it. The

city council shall, once in every year at least, publish, for the use and information of the inhabitants, a particular account of the receipts and expenditures of the city, and a schedule of the property and debts of the city.

SEC. 19. The city council shall have the power to construct drains and common sewers through any highways, streets or private lands, paying the owners such damage as they shall sustain thereby ; and to require all persons to pay a reasonable sum for the right to open any drain into such public drain or common sewer.

SEC. 20. All the power and authority now vested by law in the board of health for the town of Manchester, shall be transferred to, and vested in, the city council, and shall be carried into execution by the appointment of health commissioners, or in such other manner as the city council shall determine.

SEC. 21. The city council shall have power to provide for the appointment or election of all necessary officers for the good government of the city, not otherwise provided for, and to prescribe their duties and fix their compensation ; but no person shall be elected by the city council, or appointed by the mayor and Aldermen, to any office of emolument, who, at the time of his election or appointment, shall be a member of the board of aldermen or of the common council.

SEC. 22. The city council shall, annually, on the third Tuesday of March, meet in convention, and elect, by joint ballot, a city clerk, who shall be sworn to the faithful discharge of the duties

Account of receipts & expenditures to be published.

Right to construct drains &c.

Powers of health officers vested in city council

No person to be elected to any office of emolument who is an alderman or a common council-man.

To elect city cl'k in convention, on 3d Tuesday of March.

of his office ; one year, and until another shall be chosen and qualified : removable, however, at the pleasure of the city council. The city clerk

City clerk to be  
clerk of the board  
of mayor and aldermen  
& of city council  
when sitting in  
convention.

shall be, *ex officio*, clerk of the board composed of the mayor and aldermen. He shall keep a journal of all the votes and proceedings of the mayor and aldermen, and also of the city council, when sitting in convention ; and shall perform such other duties as the mayor and aldermen or the city council shall prescribe.

To have all the  
powers and per-  
form duties of  
town clerk.

He shall also perform all the duties, and exercise all the powers, incumbent upon, and vested in, the town clerk of the town of Manchester, except where it is herein otherwise provided.

To deliver all  
journals, &c., to  
his successor.

He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents, or other things, held by him in his capacity of city clerk.

City Treasurer  
to be elected by  
joint ballot in  
April.

SEC. 23. The city council shall, also, in the month of April, annually, in convention and by joint ballot, elect a city treasurer, and all other subordinate officers who are not chosen by the inhabitants or appointed by the mayor and aldermen ; and shall also fill all vacancies

Vacancies to be  
filled

Candidates how  
determined

which shall exist in the boards of assessors, assistant assessors, overseers of the poor, or school committee, by reason of a failure to elect by the inhabitants at the annual meeting.

School committ.

The candidates for filling such vacancies shall be determined in the manner provided by the constitution of the State for fixing upon candidates to fill vacancies in the State Senate.

Overseers poor.

SEC. 25. The qualified voters in each ward shall, at the annual meeting, choose one person

to be a member of the school committee, one person to be a member of the board of overseers <sup>Assessors, how chosen.</sup> of the poor, and one person to be a member of the board of assessors, each of whom shall be a resident of the ward for which he is chosen.

The assessors so elected shall perform all such <sup>Duties of assessors.</sup> duties, relative to taking the inventory and appraisal of property for taxation, as are now by law required of the selectmen and assessors.

The board of overseers of the poor, with the <sup>Duties of overseers.</sup> mayor as chairman, shall perform the same duties as are now incumbent on that body in towns, and the school committee shall possess all the powers and perform all the duties now by <sup>Duties of school committee.</sup> law granted and required of the superintending and prudential committee of towns.

SEC. 26. All meetings of the inhabitants, for <sup>Time of election.</sup> the election of county, State, or United States' officers, who are voted for by the people, shall be held in their respective wards at the time legally appointed for those elections respectively.

SEC. 30. All acts and parts of acts, inconsistent <sup>Acts inconsistent repealed.</sup> with the provisions of this act, are hereby repealed.

SEC. 33. This act shall go into operation from and after its passage.

SEC. 9, OF AM'T. After this act shall go into effect, and within ten days thereafter, the mayor and aldermen shall prepare, revise, correct, and post up in the same manner as selectmen of towns are required to do, an alphabetical list of voters in each of said wards or towns, and shall issue a warrant for the meeting of the inhabitants in their respective towns or wards; such <sup>Mayor and Aldermen to issue Warrants, &c.</sup>

warrant shall be served ten days at least before the time of meeting, and shall designate the place for said meetings. At said meeting a moderator, clerk, and three selectmen shall be chosen, who shall be qualified and respectively take the oath of office required by law, and shall then enter upon and discharge and perform all the duties of their respective offices in the same manner as if they had been elected prior to the third Tuesday of March of the present year. Any justice of the peace in the respective wards may call the first meeting to order, and preside until a moderator shall have been chosen.

Acts repealed. SEC. 10 OF AM'T. Sections two, three, four, five, six, seven, twelve, twenty-four, thirty-one, and thirty-two of the act to establish the city of Manchester, and so much of section twenty-three of said act as relates to the choice of a collector of taxes, and so much of section eleven of said act as relates to preparing, revising, correcting, and posting up check lists, and so much of section sixteen as relates to the times and places of holding the police court and establishing rules thereof, and the appointment of, and powers and duties and the pay of special justices of said court, be and the same are hereby repealed.

SEC. 11 OF AM'T. This act shall take effect on the first day of October next: *provided, however,* That the representatives to the general court, the mayor, board of aldermen, and board of common council, and all officers appointed by them, or either of them, shall hold their respective offices for the same time, sub-

ject to all the liabilities, and perform all the duties of their respective offices, except so far as relates to the check lists and the elections in the same manner as if this act had not been passed.

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## CHAPTER 837.

### AN ACT in amendment of the charter of the city of Manchester.

#### SECTION

- 1. Mayor, plurality of votes to elect.
- 2. Case when new election shall be ordered.
- 3. City clerk to receive invoice and assessments.

#### SECTION.

- 4. Acts repealed.
- 5. Act to take effect from and after its passage.

*SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened,* That on the examination and count of votes for mayor, as is prescribed in the seventh section of the six hundred and fifteenth chapter of the laws of this State, the person who shall have the largest number of votes in all the wards shall be declared duly chosen mayor.

SEC. 2. If two or more persons at any election for the choice of mayor shall receive the largest and an equal number of votes, so that no choice be made, the mayor and aldermen shall make a record of the fact, and forthwith issue their precept to the selectmen, requiring them to call meetings in their respective wards for another election, and shall fix the time when said meeting shall be called; and the same proceedings shall be had from time to time until a Mayor shall be chosen.

SEC. 3. The city clerk shall receive the invoice and assessments, or a copy thereof, as is prescribed in the sixth section of the forty-third chapter of the Revised Statutes, and keep such record open to the inspection of all persons, but need not record the same.

SEC. 4. So much of section seventh of the six hundred and fifteenth chapter of the laws of this State, and all acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, July 7, 1849.

## CHAPTER 1105.

AN ACT relating to the police court of the city of Manchester.

SECTION	SECTION
1. Police justice may hold the office of Clerk.	2. Salary of justice; fees how disposed of. 3. Acts and parts of acts repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That the justice of the police court of the city of Manchester may hold the office, exercise the powers, and perform the duties of clerk of the said court.

SEC. 2. The justice of the said court, shall annually receive a salary of three hundred dollars, to be paid by the city of Manchester, in quarterly payments of seventy-five

dollars each, which shall be in full for all services performed by him for the said city, and of all fees in actions and prosecutions prosecuted by said city, or the officers thereof, for which the said city would otherwise be responsible. The said justice shall account for and pay over to the city treasurer, as now provided by law, all fines and fees by him received in actions and prosecutions by or in behalf of said city as aforesaid, and shall be entitled to retain to his own use the fees by him received or receivable in all other cases.

SEC. 3. All acts and parts of acts inconsistent with this act are repealed.

Approved, June 26, 1851.

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## CHAPTER 1123.

**AN ACT** in addition to an amendment of an act entitled  
“An act to establish the City of Manchester.”

SECTION 2. *Be it enacted by the Senate and House of Representatives in General Court convened,* That in addition to the powers of mayor and aldermen of the city of Manchester, enumerated in the eleventh section of the city charter, they shall have the power and authority to appoint a collector of taxes for said city; and the collector so appointed shall have the exclusive right and power to collect the taxes of said city of Manchester, notwithstanding the

provisions of the fifteenth section of the charter of said city, and that so much of said fifteenth section as authorizes the city marshal to collect the taxes of said city, be, and the same hereby is repealed.

SEC. 2. This act shall take effect when it shall have been approved by both branches of the city government of Manchester.

Approved, July 3, 1851.

## ANNEXATION ACT

### CHAPTER 1406.

**AN ACT** to sever certain tracts of land from the towns of Bedford and Goffstown, and annex the same to the city of Manchester.

**SECTION**

1. Land severed from Bedford and Goffs-town, and annexed to the city of Manchester.
2. Divided into two wards, &c.
3. Roads and bridges, how maintained—debts, payment of—public property, disposition of.

**SECTION**

4. Taxes assessed, disposition of.
5. Duties of mayor and aldermen of the city of Manchester, after acceptance of the act.
6. Act void, unless accepted by the city council, &c.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives in General Court convened,* That the following described tract of land, situate partly in the town of Bedford and partly in the town of Goffstown, in the county of Hillsborough, to wit:—beginning at a stake and stones on the bank of Merrimack river, in said town of Bedford, at

the southeasterly corner of Samuel McQuestion's farm, thence westerly by the south line of said McQuestion's land, about two hundred and twenty rods, to the range line between the twelfth and thirteenth ranges in said town of Bedford ; thence northerly by said range line to a stake and stones on the line between said towns of Bedford and Goffstown, near the dwelling house of Daniel George ; thence westerly by said town line about thirty-four rods to a stake and stones ; thence northerly, following the line between the eleventh and twelfth ranges in said town of Goffs-town to the southwest corner of the town of Hooksett ; thence easterly by the line of said town of Hooksett to Merrimack river ; thence southerly by said Merrimack river to the place of beginning ; with all the inhabitants thereof, be and the same is hereby severed from said towns of Bedford and Goffstown respectively, and annexed to and made a part of the city of Manchester.

SEC. 2. Said territory so severed and annexed, as aforesaid, shall be divided into two wards ; that part severed from the town of Bedford to be called and known as ward number seven, and that part severed from the town of Goffstown to be called and known as ward number eight : which said wards shall elect one representative each to the general court, and such other officers as the other wards of said city are entitled to elect ; and the inhabitants thereof shall be subject to all the by-laws, ordinances, regulations and liabilities, and be entitled to all the privileges and immunities of the inhabitants of such other wards.

SEC. 3. Said city of Manchester shall assume and be responsible for the maintenance of all the roads and bridges within the limits of the tract so severed and annexed as aforesaid ; and shall be accountable to said towns of Bedford and Goffstown respectively for such proportion of the debts of said towns now existing, deducting therefrom the

amount of money already raised or directed to be raised by either of said towns to be applied towards the liquidation of the same, as the inventory of the inhabitants of said towns respectively in the territories so severed and annexed last made, bears to the whole amount of inventory last made in each of said towns, and the towns of Bedford and Goffstown shall each retain their public property the same as though this act had never been passed.

SEC. 4. All taxes heretofore assessed upon the polls and estates of persons residing within the limits of the territory hereby severed and annexed, and all non-resident taxes assessed within any school district within said limits shall be collected, paid over and applied in the same way and manner as if this act had not been passed.

SEC. 5. Upon the acceptance of the act as herein provided, the mayor and aldermen of the city of Manchester shall seasonably issue precepts to any two of the principal inhabitants in each of the two wards which may be annexed, agreeably to the provisions of this act, requiring them to call a meeting of the legal voters of their respective wards, to be holden at some convenient place within the same, on the second Tuesday of March, in the year of our Lord one thousand eight hundred and fifty-four, for the purpose of voting for State, county, city and ward officers, and for transacting all other necessary business—said warrants to be posted and returned, and said meetings to be organized and conducted in the same way and manner as warrants are posted and returned and meetings are organized and conducted in the other wards of said city. All officers duly chosen and qualified at said meetings, or otherwise, according to law, shall have all the powers and authority vested in like officers by the laws of this State; and all the proceedings of said meetings shall have like validity with the proceedings of the meetings in the other wards of said city.

SEC. 6. This act shall be void unless accepted by the city council of Manchester, on or before the second Tuesday of August, A. D., 1853.

Approved July 1, 1853.

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## CHAPTER 1588.

### AN ACT relating to the Manchester City Library.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That the City Council of the city of Manchester and the Manchester Atheneum be and they hereby are authorized to make and confirm such contract and arrangement as they may think advisable for the establishment of a City Library for said city; and the trustees of said library may be designated and appointed in and by such contract, and vacancies in the office of trustees shall be filled agreeably thereto; and the trustees so elected or appointed shall hold their offices for the terms, and shall be vested with the powers and subject to the duties specified in such contract.

SEC. 2. This act shall take effect from its passage.

Approved July 11, 1854.

## CHAPTER 1675.

## AN ACT authorizing the appointment of a superintendent of public instruction in the City of Manchester.

## SECTION

1. Mayor and aldermen and school committee to elect a superintendent to hold office two years, &c.
2. Powers and duties of superintendent defined. Compensation to be determined by city council.

## SECTION

3. Duties of school committee.
4. Act to take effect in Manchester on its passage; any other city may adopt it.

*SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened,* The board of mayor and aldermen and board of school committee shall in convention elect some suitable person to be superintendent of public instruction, in said city, who shall hold his office two years from the time of his appointment, and if any vacancy shall occur in said office by resignation or otherwise, they shall fill the same immediately, and if the convention shall fail to elect within one month from the passage of this act, or from the time of any vacancy, the mayor and aldermen shall appoint the same.

SEC. 2. The superintendent shall exercise the general supervision of the public schools in said city, and shall perform such duties now required of the superintending school committee as relate to visiting schools, and shall assist in examining teachers and scholars, and in preparing the annual report. He shall, also under the supervision and direction of the board of school committee, perform such duties required of the prudential committee of towns, as relates to furnishing fuel and other necessary supplies, and to making repairs, and shall report his proceedings, and the condition and progress of the schools, to the board as often as they may require, and shall receive such compensation as the city council may determine; but such compensation shall not be diminished during his continuance in office.

SEC. 3. The school committee shall continue to perform all the duties now by law required of them, except so far as they may be legally performed by the superintendent, and shall receive such compensation as the city council may decide.

SEC. 4. This act shall take effect in the city of Manchester, from and after its passage; and any other city at its annual meeting, or at any meeting lawfully called for that purpose, may adopt the provisions of this chapter which shall thereupon extend and apply to such city as fully as to the city of Manchester.

Approved July 9, 1853.

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## CHAPTER 1680.

AN ACT in amendment of an act, entitled "An act to sever a certain tract of land from Bedford and Goffstown, and to annex the same to the city of Manchester," approved July 1st, 1855.

**SECTION**

1. Manchester to pay to Bedford and  
Goffstown the just proportion of  
State and County taxes for 1854 and  
interest.

**SECTION**

2. Act to take effect from its passage.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* The city of Manchester shall on or before the first day of June next,

assess, collect and pay over to the towns of Bedford and Goffstown, respectively, a sum equal to the difference between the amount of the State and County taxes assessed upon those towns respectively in the year eighteen hundred and fifty-four, agreeably to the provisions of the act entitled "an act to establish a new proportion for public taxes," approved January 7, 1853, and the amount which would have been assessed upon those towns respectively, according to the provisions of Chapter 1547 of the Pamphlet Laws, if the same had been incorporated into the act to which this is in amendment, with interest thereon from the time said amounts were or shall be paid by said towns respectively, to the time when the same shall be paid over by said city of Manchester aforesaid.

SEC. 2. This act shall take effect from its passage.

Approved July 13, 1853.

## CHAPTER 1686.

**AN ACT** to sever a portion of territory from Ward 8, and annex the same to Ward 7 in Manchester.

**SECTION**  
1. Dividing lines defined.

**SECTION**  
2. Act to take effect on its passage.

*SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, That all the territory formerly belonging to Goffstown, and lying south*

of Piscataquog river, now constituting a part of Ward 8, in Manchester, shall be, and hereby is, severed from said Ward and annexed to Ward 7 in said Manchester.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved June 30, 1855.

## CHAPTER 1849.

### AN ACT to authorize the city of Manchester to take stock in the Manchester Acqueduct.

SECTION	SECTION
1. Manchester authorized to take 100,000 stock, or loan that amount of money to the Manchester Acqueduct.	2. Act takes effect from its passage.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That the city of Manchester be, and they hereby are, authorized to subscribe for the capital stock of the Manchester acqueduct, incorporated at this session of the general court, to an amount not exceeding two hundred thousand dollars, or to loan to said Manchester acqueduct any sum or sums of money not exceeding in the whole the sum of two hundred thousand dollars.

SEC. 2. This act shall take effect from its passage.

Approved July 11, 1856.

## CHAPTER 1858.

## AN ACT relating to the election of certain city and ward officers of the city of Manchester.

## SECTION

1. Annual municipal election to be holden  
2nd Tuesday in December, &c.
2. City government to organize 1st Tues-  
day in January.
3. City clerk to be elected 1st Tuesday of  
January. Vacancies to be filled.
4. Election of other officers to be provided  
for by ordinance.
5. Present officers to hold office till 1st  
Tuesday of January, 1857.

## SECTION

6. Plurality to elect. Check-lists to be used. Polls to be open from 10 A.M. to 3 P. M.
7. Naturalization papers in police court to be deposited with the present clerk thereof.
8. Repealing clause.
9. Act to be void unless adopted, and to take effect upon adoption.

*SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened,* That the annual meeting of the inhabitants of said city of Manchester for the choice of city and ward officers, shall be holden on the second Tuesday of December annually, and all city and ward officers who are chosen by the people, shall hold their respective offices for one year from the first Tuesday of January next, succeeding, and until others are chosen and qualified in their stead.

SEC. 2. The Mayor, Aldermen, and Common Council, shall hereafter meet in convention for the purpose of taking the oath of their respective offices on the first Tuesday of January in each year, at ten o'clock in the forenoon.

SEC. 3. The city clerk shall be elected, qualified, and shall enter upon the discharge of the duties of his office on the first Tuesday of January in each year; provided, however, that in case of vacancy, or of a failure to elect on the first Tuesday of January, said vacancy may be filled or election made at any other time.

SEC. 4. All officers now required by law to be elected by the city council, or appointed by the mayor and aldermen in the month of April annually, may be so elected or

appointed at such other time or times annually as the city council shall appoint by an ordinance passed to that effect. And all such officers so elected or appointed, shall hold their respective offices until others are elected or appointed, and qualified in their stead.

SEC. 5. The mayor, aldermen, common council, assessors, overseers of the poor, school committees, and ward officers now in office, shall hold their respective offices until the first Tuesday of January next, and until others are chosen and qualified in their stead, and no longer. And all officers now in office, elected by the city council or appointed by the mayor and aldermen, shall hold their respective offices until others are elected or appointed and qualified in their stead, and no longer. All such officers shall be entitled to receive pay only for such portion of the year as they may have served.

SEC. 6. In all future elections of city and ward officers, chosen by the people, the person who shall receive the highest number of votes for any office shall be declared elected, and if a number of candidates greater than the requisite number shall severally receive the largest and an equal number of votes, so that no choice be made, the ballottings shall be continued until the requisite number of persons shall be chosen. In all elections by the voters of said city, voting, in their several wards, check-lists, prepared in the manner now prescribed by law, shall be used, and the polls shall be opened at ten o'clock in the forenoon on the day of election, and kept open till three o'clock in the afternoon.

SEC. 7. All papers, documents, and records of the naturalization, by the police court of the city of Manchester, or before any justice, clerk, or other officer thereof, of aliens, or in any way relating thereto, including declarations of intentions to become citizens of the United States, and all

applications of aliens to be admitted to become such citizens, made to said police court, or to or before any justice, clerk, or other officer thereof, and all evidence and records thereof shall be deposited with the present clerk of said court, and shall be kept by said clerk with the other papers and records of said court.

SEC. 8. All acts and parts of acts inconsistent with this act, are hereby repealed.

SEC. 9. This act shall be null and void unless accepted at a legal meeting called for that and other purposes on the fourth day of November, 1856, by a majority of the voters present and voting by ballot thereon in the several wards of said city, and the same shall take effect and be in force whenever so accepted.

Approved July 12, 1856.

This act was accepted by a majority of the legal voters, Nov. 4, 1856.

## CHAPTER 1683.

### AN ACT in amendment of the charter of the city of Manchester.

#### SECTION

1. Process to be under seal, bear teste of the justice, and signed by clerk.
2. Writs against tenants returnable on any day.
3. Special justice to perform duties of special clerk.

#### SECTION

4. Salary \$500, in full compensation.
5. All fees, fines, &c., to be paid to city marshal, &c.
6. Repealing clause.
7. Act to take effect on its passage.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That all writs,

executions, and processes, in civil actions, issuing from the police court of the city of Manchester, shall be under the seal of the court, bear teste of the justice, and be signed by the clerk thereof.

SEC. 2. Writs of summons against tenants may be made returnable into said court upon any other day besides the first Wednesday of each month.

SEC. 3. The special justice of said court may hold the office, exercise the powers, and perform the duties of special clerk of said court, whenever it shall happen from any cause that the justice of said court shall be unable to act as clerk of said court.

SEC. 4. The justice of the police court of the city of Manchester shall annually receive a salary of five hundred dollars, to be paid by said city in equal quarterly payments, which shall be in full compensation for all services performed by him in behalf of said city, for all charges against the city as clerk of said court, and for all fees in actions for which the city would otherwise be responsible.

SEC. 5. All fees, fines, and forfeitures accruing to said city, or paid by order of said police court, shall be paid to the city marshal, in the same manner as they are now required by law to be paid to the justice of the police court. The city marshal shall pay all the fines, fees and forfeitures to the city treasurer, at such times and under such regulations and penalties as the city council shall prescribe.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall take effect from and after its passage.

Approved July 14, 1855

## STATE OF NEW HAMPSHIRE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY-EIGHT.

### AN ACT in amendment of the charter of the city of Manchester.

#### SECTION

1. Addition to ward one.
2. Boundaries of ward four.
3. " " five.
4. " " six.
5. Present ward officers in wards one, four and six, as formerly constituted, shall remain ward officers of wards one, four and six until others are chosen and qualified.

#### SECTION

6. Mayor and aldermen to appoint three persons to call a meeting of legal voters in ward five on 2nd Tuesday of December next for election of city and ward officers. Clerk and moderator, how appointed.

SECTION 1. *Be it enacted by the Senate and House of Representatives in General Court convened,* That so much of said city as lies between Lowell street on the north, and Hanover street on the south, Chestnut street on the east, and Elm street on the west, is hereby annexed to ward one in said city.

SEC. 2. Ward four shall include all that part of the city between Lowell street on the north, and Laurel street on the south, Chestnut street on the west, and the Wilson road on the east.

SEC. 3. Ward five shall include all that part of the city situated between Hanover street on the north, and Auburn street on the south, Chestnut street on the east, and Elm street on the West.

SEC. 4. Ward six shall include all that part of the city not embraced within the limits of any other ward.

SEC. 5. The present ward officers of wards one, four

and six, as heretofore constituted, shall respectively remain and be the ward officers of wards one, four and six, as constituted by this act, until others shall be chosen and qualified in their stead.

SEC. 6. The mayor and aldermen of said city shall seasonably appoint three inhabitants, legal voters in ward five, as constituted by this act, who being first duly sworn, or any two of them may call the meeting of the legal voters of said ward, to be held on the second Tuesday of December next, for its choice of city and ward officers, and shall have and exercise all the power belonging to, and perform all the duties incumbent upon, the selectmen of the other wards in said city, until selectmen shall be elected and qualified in their stead, and may appoint a moderator and clerk for said ward until others shall be elected and qualified in their stead.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

# CITY OF MANCHESTER.

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In the year one thousand eight hundred and fifty-four.

An Ordinance for revising and consolidating the General Ordinances of the City.

*Be it ordained by the Mayor, Aldermen and Common Council of the City of Manchester, in City Council assembled, as follows:*

## CHAPTER 1.

### Of Ordinances.

#### SECTION

1. By-Laws termed Ordinances.
2. Ordinances to be engrossed.

#### SECTION

3. All Ordinances to be published.

SECTION 1. All By-Laws passed by the City Council shall be termed Ordinances, and the enacting style shall be—“Be it ordained by the Mayor, Aldermen and Common Council of the City of Manchester in City Council assembled, as follows.”

SEC. 2. All ordinances shall be engrossed or recorded by the City Clerk in a fair and legible hand, without interlineation or erasure, in the order in which they shall be passed,

in a book to be kept for that purpose, made of strong linen paper with proper margin and index, to be lettered "Record of Ordinances of the City of Manchester," which book shall be preserved in the office of the City Clerk, subject to the inspection of the citizens.

SEC. 3. All the Ordinances of the City Council and such Resolutions and Orders as the Mayor and Aldermen may direct, shall be published by causing the same to be inserted two weeks in two or more newspapers printed and published in the City of Manchester, as the Mayor and Aldermen shall from time to time designate.

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## CHAPTER 2.

### Of the City Seal.

#### SECTION

##### 1. Establishing a City Seal.

SECTION 1. The Seal of the City of Manchester shall be as follows:—

1st. A circular disk, upon the border of which shall be the words, "City of Manchester. Incorporated June, 1846."

2d. Upon this disk to be a shield divided into three compartments, each to contain a device. 1st, a waterfall with trees and the Uncunnunack Mountains in the back ground. 2d, a piece of machinery called a regulator. 3d, a factory building, and an engine with a transportation car loaded with bales of manufactured goods.

3d. The shield to be surmounted by a hand holding a hammer with a scroll containing the words, "Labor Vincit," —the whole being the design hereto annexed.



## CHAPTER 3.

### Of the Accounts, Expenditures and Finances of the City.

#### SECTION

1. Committee on accounts, its duties.
2. Accounts to be approved.
3. City Clerk to receive and audit all accounts and present the same to Committee.
4. No appropriation to be overdrawn.
5. Condition and manner of paying money from the Treasury.
6. Mayor to draw orders, when.
7. Money specially appropriated, how drawn.

#### SECTION

8. City Clerk to report all moneys drawn, to Committee on Accounts.
9. Officers &c., receiving public moneys to pay and settle accounts, how often, &c.
10. City Treasurer to give receipt, &c.
11. City Treasurer to keep an accurate account of all Receipts, Payments, &c.
12. Committee on Finance, when appointed.
13. Committee on Finance, its duties.
14. Financial year to begin and end on the 1st day of February.

**SECTION 1.** There shall be appointed, at the commencement of each municipal year, a joint standing committee on accounts, consisting of two members from the Board of Aldermen and three members of the Common Council ; which

committee shall meet, at least, every month, and carefully examine and audit all accounts and claims against the City, which shall be laid before them, certified as provided in the succeeding section, and shall allow and pass the same if found to be correct and justly due.

SEC. 2. No account or claim against the City, other than judgments of judicial Courts, shall be received or acted on, by the Committee on accounts, unless such account or claim shall be accompanied with a certificate of the Mayor, President of the Common Council, or of some officer, committee or agent, authorized in behalf of the City to make the contract, or cause the expenditure to be made, that the same is correct.

SEC. 3. The City Clerk shall receive all accounts and claims from persons having demands against the City, which shall have been certified as provided in the preceding section. He shall carefully examine all such accounts and claims, and see that they are correctly cast, and present the same, neatly folded, filed, labelled, to the Committee on accounts. He shall keep a book, in the manner and form the said Committee shall direct, wherein he shall enter the date and amount of every account and claim against the City, as finally corrected and allowed by said Committee, and also the name of the person to whom the same shall be allowed,—designating the fund or appropriation from which the same shall be paid: and the certificate of the said Committee, allowing any such account or claim, shall be made in the book thus kept by the City Clerk.

SEC. 4. The City Clerk shall also, under the direction of the Committee on accounts, keep a book or ledger, in which he shall enter the various appropriations made by the City Council, each under its appropriate head, and charge to each the different payments and expenditures, that from time to time shall be made therefrom. Whenever any

appropriation shall be expended, the City Clerk shall immediately give notice thereof to the Mayor, the City Council, and to the committee on accounts: which committee shall pass or allow no claim or account, chargeable to any head or appropriation which is expended, until the City Council shall have provided the means of paying the same. The City Clerk shall also open an account with the City Treasurer, charging him with the amount of all loans to the city; and all sums of money paid to him on behalf of the city, by the collector or other agent of the city, or by any person in any way indebted to the city; and also with all bonds, notes, mortgages, or other securities, in the hands of the Treasurer, and belonging to the city: to the end that the amount and value thereof may be seen, at any time, on his books.

SEC. 5. No money shall be drawn out of the City Treasury except upon the written order of the Mayor, addressed to the Treasurer, and countersigned by the City Clerk, and numbered so as to correspond with the number on the account or claim it shall be drawn to pay.

SEC. 6. The Mayor is hereby authorized to draw orders on the Treasurer for the payment of all accounts and claims allowed and certified by the Committee on accounts as provided in the first section; but he shall not draw his order on the Treasurer for the payment of any account or claim against the city, excepting as provided in the succeeding section, unless the same shall have been allowed and certified by the Committee on accounts; nor shall he draw any order in payment for any services rendered, or any materials furnished for any department, beyond the sum specifically appropriated therefor by the City Council.

SEC. 7. Any sum of money, which shall have been specially appropriated for the payment of principal or interest due on any note or other security of the City, or of the town

of Manchester, may be drawn from the Treasury, and paid by the order of the Mayor, for the purpose for which it was appropriated, without any action on the part of the Committee on accounts: and whenever it shall be necessary to pay money in advance, on contracts made or for work begun but not completed, the Mayor, upon being satisfied of such necessity, may draw his order on the treasurer for any sum not exceeding three hundred dollars at any one time.

SEC. 8. Whenever any money shall be drawn from the Treasury, for the purpose specified in the preceding section, the City Clerk shall report the same and the amount thereof to the Committee on accounts at their next meeting, and shall charge the same under the appropriate head of expenditure.

SEC. 9. All City officers, who shall, in their official capacity, receive any money on behalf of the City, shall pay to the Treasurer the amount in their hands once in three months, and oftener if required, except the Collector of Taxes, who shall make such payment whenever the sum in his hands shall amount to five hundred dollars. All other persons who shall have money in their hands belonging to the City, shall forthwith pay the same to the Treasurer.

SEC. 10. In all cases of the payment of money to the City Treasurer, he shall give his receipt for the amount to the person paying the same; which receipt shall be delivered to the City Clerk, and filed in his office; and the City Clerk shall give to the person paying, a certificate as evidence of such payment. And all city officers and agents, receiving money in behalf of the city, shall deliver to the City Clerk, once in three months, a report in detail of the amount received and what disposition has been made thereof, except in cases otherwise provided.

SEC. 11. The City Treasurer shall, under the direction of the Committee on accounts, keep, in a book provided

for the purpose, an accurate and true account of all his receipts and payments on behalf of the city, making the same conform in the mode of entry, as near as may be, with the accounts kept by the City Clerk. He shall not pay any money out of the Treasury, except upon orders of the Mayor, drawn in the form prescribed in the fifth section. He shall, once in six months, and oftener if required, lay before the City Council a statement of the condition of the Treasury, and of all moneys received and paid by him on city account, during the preceding six months.

SEC. 12. There shall be appointed, at the commencement of each municipal year, a Committee on Finance, consisting of the Mayor, one member of the Board of Aldermen, and three members of the Common Council; which Committee shall negotiate all loans to the city which shall be authorized by the City Council, and shall report the amount to the City Treasurer.

SEC. 13. The Committee on Finance shall, in the month of March, annually, prepare and lay before the City Council an estimate of the amount of money necessary to be raised for the ensuing financial year, under the various heads of appropriation, and the ways and means of raising the same: and shall also, in the month of February, annually, prepare and lay before the City Council a statement of the receipts and expenditures of the preceding financial year, giving in detail the amount of appropriation and expenditures for each department: and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the City, and the value thereof, and the amount of the City debt.

SEC. 14. The Committee on Finance shall, at the close of each municipal year, and as much oftener as they shall deem it expedient, examine and audit the accounts of the

City Treasurer, and, for that purpose, shall have access to all books and vouchers in his possession or in possession of the City Clerk, or any other officer of the City. The said Committee shall not only compare said accounts with the vouchers thereof, but shall ascertain whether all moneys due the city have been collected and accounted for: they shall also examine all notes and securities in his hands belonging to the city, and make report thereof to the City Council.

SEC. 15. The City Treasurer shall make up his accounts to the first day of February; and the financial year shall henceforth begin and end on the first day of February in each year.

## CHAPTER 4.

### Of the City Marshal and Police.

#### SECTION

1. Appointment of City Marshal.
2. Rank of Marshal and assistants, and duties, &c.
3. Duty as to streets, &c.
4. Duties as to public health.
5. To execute all ordinances relating to unlawful practices in the streets, &c.
6. Duties of Marshal in case of fire.
7. Appointment of night-watch.
8. City Marshal to be Captain of watch, &c.
9. To wear badge.
10. Mayor and Aldermen to remove, appoint successor, &c.

#### SECTION

11. Mayor and Aldermen to appoint police officers, &c.
12. City Marshal, &c., to pay over fees, &c.
13. City Marshal and assistant to devote whole time.
14. Compensation of City Marshal.
15. " Assistant.
16. " Constable.
17. " Police officers.
18. " Watchmen.
19. " Night watch.

SECTION 1. The Mayor and Aldermen shall appoint, and shall hereafter at the commencement of every municipal year, appoint a City Marshal and an assistant Marshal.

They shall be severally appointed to the office of constable ; and before entering upon the duties of their office, shall take, before the Mayor and Aldermen, the oath prescribed by law for constables, and shall each give bond, in the sum of three hundred dollars, with surety, to be approved by the Mayor and Aldermen, for the faithful performance of the duties of his office.

SEC. 2. The City Marshal shall have precedence and command over the assistant Marshal and the other constables of the city, when acting together in the same service, or when thereto directed by the Mayor. In the absence of the City Marshal, the assistant Marshal shall have such precedence and command. They shall aid and assist the City Marshal in executing the duties of his office when requested by him, or directed so to do by the Mayor. But when neither the City Marshal or assistant Marshal shall be present, said constables shall have power to act in their stead, taking precedence in the order of their appointment.

SEC. 3. The said City Marshal shall, from time to time, pass through the streets, lanes and alleys of the city, and take notice of all nuisances, obstructions and impediments therein, and on the sidewalks thereof, and cause the same forthwith to be removed, and the authors thereof to be prosecuted according to law. He shall observe all defects and wants of the highways and streets, and give immediate notice thereof to the Mayor and Aldermen, to the end that the same may be amended. He shall to the utmost of his power preserve the public peace, and prevent all riots, disorders, and unlawful practices within the city. He shall carry into execution within the city, the laws of the State, and all the ordinances of the city, and be vigilant, detect and bring to punishment all violators thereof. He shall obey and execute all the commands of the Mayor and Al-

dermen, which in any way relate to the interest or security of the city and the inhabitants thereof. He shall receive all complaints made to him of any violation of the laws or of any ordinance of the city, and shall, in behalf of the city, cause the offenders against such laws and ordinances, to be promptly prosecuted before the Police Court of the city of Manchester, and shall attend, on behalf of the city, at their trials. He shall lay before the Mayor and Aldermen, once in three months, and oftener if required, a statement of all offences against the laws of the State and the ordinances of the city, and of all prosecutions instituted by him on behalf of the city, and the result thercof.

SEC. 4. The said Marshal shall, under the authority and control of the Mayor and Aldermen, carry into execution all rules and ordinances, which shall from time to time be made by the City Council, relative to the causes of sickness, nuisances, and sources of filth, which may effect injuriously the health or comfort of the inhabitants; and they shall cause all such nuisances, sources of filth, and causes of sickness, to be immediately removed, destroyed, or prevented, conformably to such ordinances and laws of the State.

SEC. 5. The said Marshal shall execute and carry into effect all ordinances, which shall from time to time be made by the City Council, to prevent unlawful and injurious practices in the streets and other public places in the city.

SEC. 6. The said Marshals and the other constables of the city shall, in case of fire, repair to the place where the fire may be, and attend diligently to the preservation of the public peace, and the prevention of thefts and of the loss or destruction of property. The watchmen, on an alarm of fire being given, shall give notice thereof by crying fire, and naming the street or direction in which it may be.

SEC. 7. The Mayor and Aldermen may from time to time, order a suitable watch to be kept in the night; and for that purpose may appoint any number of watchmen, not exceeding ten, which they may deem necessary, and establish all needful rules and regulations for the government thereof.

SEC. 8. The City Marshal shall be captain of the watch, and shall obey and execute all rules and orders made and given him in charge in that behalf by the Mayor and Aldermen. He shall, when on the watch, pass in and about the streets, lanes and principal inhabited places of the city, to prevent danger by fire, and to see that order is kept, and that all disturbances and disorders are prevented and suppressed, and, for that purpose, he as well as any of the night watch, shall have authority to examine all persons whom they shall see walking abroad in the night, after ten o'clock, and whom they shall have reason to suspect of any unlawful design, and to demand of them their business abroad at such time and whither they are going; to enter any house of ill-fame, dram-shop, cellar, or other buildings, for the purpose of suppressing any riot or disturbance therein, and to arrest any persons there found making or abetting in such riot or disturbance, and all persons so walking abroad and suspected of any unlawful design as aforesaid, who shall not give a satisfactory account of their so being abroad and of their business, and all persons so arrested in such houses of ill-fame, dram-shop, cellar, or other building, shall be secured by imprisonment or otherwise, to be safely kept until the next morning, and shall then be taken before the Police Court, to be examined and proceeded with according to the nature of their offence.

SEC. 9. The said Marshal and all other watchmen, when attending watch, shall carry with them such badge of their office as the Mayor and Aldermen shall prescribe.

SEC. 10. The Mayor and Aldermen may at any time, by vote, remove from office either of said Marshals, and appoint a successor or successors. They may also, in case of the death or resignation of either of the said Marshals, appoint another in his place.

SEC. 11. The Mayor and Aldermen may appoint any number of Police officers they may think necessary, by writing under their hands. Said officers may be appointed at any time during the year, and may be removed at the pleasure of the Mayor and Aldermen, and shall hold their office until the last day of the month of March next succeeding their appointment, unless removed, and shall each of them render to the City Marshal, once in three months, an account of their services, and of the time spent in the discharge of their official duties.

SEC. 12. The assistant City Marshal, constables, watchmen, and police officers of the city, upon receiving any fees as witnesses in any criminal case, or fees for services of any criminal process, and any moneys for services in behalf of the city, shall forthwith pay over the same to the City Marshal. The City Marshal shall keep an account of all the moneys thus received, and pay over the same when received, together with his own fees received as witness in any criminal case, or for services of any criminal process, and all moneys received for services in behalf of the city, to the City Treasurer.

SEC. 13. The City Marshal and assistant Marshal shall devote their whole time to the services of the city and duties of their office.

SEC. 14. The City Marshal shall receive in full for all his services as City Marshal, Constable, Police officer, and Health officer, the sum of seven hundred dollars per annum, to be paid quarterly.

SEC. 15. The assistant City Marshal shall receive in full for all his services as assistant City Marshal, Constable, and

Police officer, the sum of five hundred dollars per annum, to be paid quarterly.

SEC. 16. Each of the Constables of the city shall receive in full for his services as Constable and Police officer, the sum of one dollar and fifty cents per day, when employed in the service of the city, under the direction of the City Marshal or his assistant.

SEC. 17. Each of the Police officers shall receive in full for all his services, the sum of one dollar per day, when employed in the service of the city under the direction of the City Marshal or his assistant.

SEC. 18. Each of the watchmen of the city shall receive in full for all his services as watchman or Police officer, when performed to the acceptance of the City Marshal, the sum of one dollar and twenty-five cents per day, to be paid monthly.

SEC. 19. Each of the night watchmen, or night police, shall receive in full for all his services as watchman and police officer, when performed to the acceptance of the City Marshal, the sum of one dollar and fifty cents per day, to be paid monthly.

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## CHAPTER 5.

### Of Streets and Abuses therein.

#### SECTION

1. No person to encumber streets, &c.
2. Mayor and Aldermen to grant license.
3. Fence and light to be kept up.
4. Door-steps, platforms and porticoes not to encroach upon sidewalk.
5. Fence to be kept up in certain cases.
6. Dirt or rubbish, &c., not to be swept or deposited in any street.
7. Fire-wood, coal, &c., not to remain on sidewalk, &c.
8. Snow to be removed, when, &c.
9. Sidewalks not to be obstructed.
10. Houses, &c., removed, how, &c.
11. Snow, ice, &c., to be evenly spread, &c.
12. No team, &c., to obstruct flagging stones.
13. Sleighs or sleds, &c., not to be driven faster than a walk, proviso.

#### SECTION

14. Awnings and shades not to be erected, unless.
15. When otherwise erected to be removed.
16. Marshal to remove, when, &c.
17. Brawls, tumults, &c., in streets, forbidden.
18. Obscene songs, &c., forbidden.
19. Injury to buildings, fences, trees, &c., forbidden.
20. Use of fire-arms, &c., in streets, &c., forbidden.
21. Public bathing prohibited.
22. Carriages not to be used on sidewalk.
23. Careless and fast driving and riding prohibited.
24. No carriage or team to pass through streets without driver.
25. Violations, how punished.

**SECTION 1.** No person shall break or dig up the ground or stones in any street, lane or alley, or on any sidewalk or common, in the city, or erect any staging for building, or place or deposit any stone, bricks, timber, or other building materials, thereon, without first obtaining a written license from the Mayor and Aldermen, or some person authorized by them to grant such license, and complying, in all respects, with the conditions of such license.

**SEC. 2.** The Mayor and Aldermen may grant a license in writing, to any person, for the purpose of building, or other lawful purposes, to dig up, obstruct or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the city, and on such terms and conditions as they shall deem to be safe and proper.

**SEC. 3.** Whenever any street, lane, alley, sidewalk or other public place in the city shall, under any license granted as provided in the preceding section, be dug up, obstructed, incumbered, or otherwise rendered thereby unsafe, or inconvenient for travelers, the persons so licensed, shall put and at all times keep up a suitable railing or fence round the section or parts of any street, lane, alley or other public place, so dug up, obstructed or incumbered,

so long as the same shall be or remain unsafe or inconvenient as aforesaid ; and shall also keep one or more lighted lanterns fixed to such fence, or in some other proper manner, every night from twilight in the evening and through the whole night, so long as such railing or fence shall be kept standing. He shall, also, within such reasonable time as the Mayor and Aldermen shall direct, amend and repair such street, lane, alley, sidewalk, or public place, to the acceptance of said Board.

SEC. 4. No person shall make, erect or maintain any door-step, portico, porch, entrance or passage way to any cellar or basement, or any other structure, in or upon any street, lane, alley or sidewalk, in the city, without permission in writing from the Mayor and Aldermen. No person shall suffer the platform or grate of the entrance or passage way to his cellar or basement, heretofore constructed, or which may hereafter be constructed, in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley, or sidewalk ; and every such entrance or passage way shall be at all times kept covered by a suitable and substantial platform or grate ; or in case it shall be kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two feet and a half high, and well lighted at night. No person shall permit or suffer his well, cistern, or drain in any street, lane, alley, or sidewalk in the city, to be or to remain open or uncovered, unless the same shall be enclosed by a strong and safe curb, guard or fence.

SEC. 5. If any person shall dig or sink, or cause to be dug or sunk, any well, cellar, cistern, drain or other cavity in the ground, near to or adjoining any street, lane, or alley, in the city, he shall put up, and at all times keep up, so long as it shall be necessary for the purpose, a railing or fence, on or near the line of such street, lane or alley,

sufficient to guard and protect travelers and passengers from falling into, or being injured thereby.

SEC. 6. No person shall put or place, or cause to be put or placed, in any street, lane, alley, or other public place in the city, any house-dirt, ashes, garbage, shreds, shavings filth, suds, offals, oyster shells, or other kinds of rubbish, except in such place and in such manner as the Mayor and Aldermen shall prescribe.

SEC. 7. No person shall suffer his fire-wood, coal, or other fuel, in any quantity, to remain unnecessarily on any sidewalk, or in any street, lane or alley in the city, over night, or after twilight in the evening. If the same must of necessity remain after twilight, or through the night, the owner thereof shall place and keep a sufficient light over or near the same, through the night, in order to give notice thereof to travelers and passengers, and thereby prevent injury to them.

SEC. 8. The tenant or occupant, or if there be no tenant, the owner of any building or lot of land bordering on any street where there is a sidewalk, shall cause all snow to be removed from the sidewalk adjoining his premises, and spread evenly on the ground, within six hours after the snow shall have ceased to fall, if in the day time, or before two of the clock of the afternoon next succeeding, if the snow shall have ceased to fall in the night time.

SEC. 9. Three or more persons shall not stand in a group, or near each other on any foot or sidewalk, so as to obstruct a free passage for foot passengers; and any person or persons obstructing the foot or sidewalks shall move on immediately after a request made by the Mayor, any Police officer, or Watchman, under a penalty of not less than one dollar nor more than ten dollars for each offence.

SEC. 10. No person shall move, or assist in moving, any house, shop, or other building, through any street, lane or

alley, or over any bridge in the city, without first obtaining a written license therefor, as provided in the second section.

SEC. 11. Any person who shall throw or put, or cause to be thrown or put, any snow or ice into any street, lane or alley, in the city, shall cause the same to be broken up and spread evenly over the surface of such street, lane or alley.

SEC. 12. No person shall stop his team or carriage, or unnecessarily place any other obstructions on any flagging stones laid in or across any street, lane or alley, in the city.

SEC. 13. No sleigh or sled of any description, whether of burthen or pleasure, shall be driven faster than a walk through any part of said city during any time that snow or ice shall be upon or cover the streets, squares, lanes, or alleys of said city, unless there shall be three or more bells attached to the horse or horses, or to some part of the harness thereof.

SEC. 14. No person shall place or establish any awning or shade before his or her place of business, or dwelling house, over any part of any street or sidewalk, unless the same shall be composed of white cloth and safely fixed and supported by strong iron rods or railings, so as in no wise to incommodate passengers, and so that the lowest part of such awnings or shades shall be at least eight feet in height above the sidewalks ; and all such awnings or shades shall be made or erected so that the same may be rolled up by means of rope and pulley.

SEC. 15. All awnings or shades constructed otherwise than as provided in the foregoing section, shall be removed forthwith by the person owning or having control of the same.

SEC. 16. It shall be the duty of the City Marshal to cause to be removed all awnings or shades constructed otherwise than as provided in Section 14 of this ordinance.

and to prosecute any person offending against any of its provisions.

SEC. 17. No person shall make any brawls or tumults, or, in any street, lane or alley, or public place, be guilty of any rude, indecent or disorderly conduct, or shall insult or wantonly impede any person passing thereon, or shall throw any stones, bricks, snowballs, or dirt, or play at ball or at any game at which ball is used.

SEC. 18. No person shall sing or repeat, or cause to be sung or repeated any lewd, obscene, or profane songs, or shall repeat any lewd, obscene, or profane words, or write or mark in any manner any obscene or profane word, or obscene or lascivious figure or representation, on any building, fence, wall, post or other thing whatever.

SEC. 19. No person shall wantonly injure or deface any building, fence, wall, post, sign-board, or sign, or any lamp-post, or lamp or lantern thercon, or shall wantonly cut or injure any tree standing in any street, highway or public place, or shall rob any garden or field of fruit or vegetables, or shall wantonly injure any trees, shrubs, or bushes growing in any street, common or square, garden, field, or yard, or shall, without lawful permission, climb on or over any fence of any garden or yard.

SEC. 20. No person shall, within the compact part of the city, fire or discharge any cannon, gun, pistol, or other firearms, or fire or discharge any rockets, squibs, crackers, or any preparation of gun-powder, (except by permission of the Mayor and Aldermen in writing,) or shall make any bonfire, or improperly use or expose any friction matches, or knowingly raise or repeat any false cry of fire.

SEC. 21. No person shall, within the view of any dwelling house, or of any public road or street, in the day time, bathe or swim without necessity, or expose his person indecently in dressing or undressing for the purpose of swimming or bathing or otherwise, without necessity.

SEC. 22. No person shall, without necessity, drive any wheel carriage, sled or wheelbarrow on or over the side pavements or walks of any street, lane or alley, or ride or lead any horse thereon.

SEC. 23. No person shall ride through any street or lane in the compact part of the city on a gallop, or at any swifter pace than at the rate of five miles an hour.

SEC. 24. No person having charge of any cart, dray, sled, or other carriage drawn by horses or oxen, shall suffer the same to pass through any street in the compact part of the city, without keeping with and carefully attending the same, and keeping such horses or oxen under his command.

SEC. 25. Any person violating any of the provisions of this chapter, shall be punished by a fine not exceeding ten dollars nor less than one dollar, and shall pay costs of prosecution and stand committed until the same be paid, or by confinement to hard labor in the House of Correction for a term not less than five days, nor more than thirty days.

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## CHAPTER 6.

### Of the Fire Department.

**SECTION**

1. Department to be divided into companies.
2. Number of men of fire department.
3. Officers and their duties.
4. Chief Engineer to have control, &c.
5. Chief Engineer to inquire into and report condition of apparatus.
6. Assistant Engineers to perform duties in absence of Chief Engineer.
7. Engines, &c., to be conveyed to fires.
8. After a fire, engines, &c., to be washed, oiled and housed.
9. Members of Department to wear badge.
10. Injury to fire apparatus punished.

**SECTION**

11. Penalty for allowing chimneys, &c., to take fire.
12. Powers of Engineers to inquire for and examine places where shavings are kept.
13. Power of Engineers over fire department.
14. Engineers to establish regulations, &c.
15. To make and enforce rules for the government of the department.
16. Disorderly conduct, &c., how punished.
17. Compensation of members.
18. " engineers.
19. " steward.

**SECTION 1.** The fire department shall consist of a Chief Engineer, ten assistant Engineers, and as many engine men, hose men, and hook and ladder men, to be divided into companies, as the number of engines and the number and quantity of the other fire apparatus belonging to the city; or to the incorporated companies located therein, shall from time to time require, and the appointment of said engineers shall be made by the Mayor and Aldermen in the month of April annually: provided, however, that vacancies may be filled at any time, and said Engineers shall constitute the Board of Engineers, and shall perform the duties and exercise the powers of firewards.

**SEC. 2.** Each Engine Company shall consist of not more than fifty members, each Hose or Hydrant Company of not more than forty members, each Hook and Ladder Company of not more than forty-five members, and shall be appointed by the Board of Engineers and Board of Mayor and Aldermen, in the month of April or May annually.

**SEC. 3.** Each of said Companies shall have a Foreman, Assistant Foreman, Clerk, and Steward, and such other officers as may be necessary, to be elected by a major vote of their respective companies, and confirmed by the Board of Engineers. It shall be the duty of the Foreman, and in his absence of the Assistant Foreman, to direct the time

and place of drill, to see that the engines and other apparatus, together with the buildings entrusted to their care, are kept clean and in order for immediate use, to preserve order and discipline at all times, and to require and enforce a strict compliance with the rules, regulations and orders of the Board of Engineers. It shall be the duty of the Clerk of the respective companies to keep an exact roll specifying the time of admission and discharge of each member of their companies, and also the number of hours each member has been on duty, for which he is entitled to pay, and to report the same, sworn to, to the Chief Engineer, within five days from the performance of said duty. It shall be the duty of the Steward to keep clean the house, hose, machines, and all other apparatus belonging to the company, to clean the snow from the sidewalks during winter, and at all times to see that the engine and other apparatus are fit for use.

SEC. 4. In all cases the Chief Engineer shall have the sole and absolute control and command over all the Engineers, and other members of the department, except in case of fire in any of the mill yards of any of the incorporated Manufacturing Companies, in which case the Agent, Superintendent, or principal resident officer of such Company, shall, if he choose so to do, exercise all the power of the Chief Engineer, and it shall be the duty in such case of all the members of the Fire Department to act under the direction and obey the orders of such Agent, Superintendent, or officer.

SEC. 5. It shall be the duty of the Chief Engineer, at least once a month, and also within three days after every fire, to examine into the condition of all the fire apparatus belonging to the city, and to report on the same, annually, in the month of February, to the Board of Aldermen; stating also in his report the condition of the department,

and an appraisal of all property belonging to the same. He shall also, under the sanction of a committee of the department, to consist of five members, cause all the repairs to be made upon the fire apparatus of the city, when necessary.

SEC. 6. In the absence of the Chief Engineer, the next assistant engineer in rank who may be present, shall have the powers and perform the same duties that belong to the Chief Engineer; and seniority in rank of the Engineers shall be determined by the Board of Engineers in April or May annually.

SEC. 7. It shall be the duty of the members of the fire department, whenever any fire shall break out in the city, forthwith to repair to their respective engines and other apparatus, to convey the same to or near the place where the fire may be, to place themselves under the control of the Chief and other Engineers, and upon permission from the Chief or presiding Engineer, in an orderly manner to return such engines and apparatus to their respective places of deposit: Provided, that in the absence of all the Engineers, such permission and all orders shall proceed from their respective foreman.

SEC. 8. Each company of engine men or members of the fire department, on returning from any fire shall cause their respective engines and other apparatus to be well cleansed and washed, oiled and securely housed.

SEC. 9. All the members of the department shall wear some suitable badge, when on duty, to be determined by the Engineers.

SEC. 10. If any person shall wantonly or knowingly injure any of the fire apparatus owned by the city or provided for the extinguishment of fire, or shall ride or drive any animal or carriage over or across any hose or other apparatus in use at any fire, or upon any alarm of fire, he shall be subject to a penalty not exceeding ten dollars.

SEC. 11. If any chimney, stovepipe or funnel shall take or be set on fire, the owner or occupant of the building or tenement to which such chimney, stovepipe or flue appertains, shall forfeit and pay the penalty of two dollars for each offence. Provided, however, that any person may lawfully burn out or set fire to his chimney, stovepipe or flue, at any time between sunrise and noon, when the roof of his own and the neighboring houses are thoroughly wet with rain or covered with snow.

SEC. 12. It shall be the duty of the Board of Engineers to inquire for, and examine into, all places where shavings and other combustible materials may be collected and deposited; and to cause the same to be removed by the tenants or occupants of any such places, or at their expense, whenever in the opinion of said Board, or of any committee of said Board, such removal may be necessary to the security of the City against fire.

SEC. 13. The Engineers shall have the control of all persons appointed to serve in any company of the fire department, and power to direct and control the labor of all persons present at any fire. Any Engineer may and shall cause any fire by him deemed to be dangerous in any place to be extinguished or removed.

SEC. 14. The Engineers may establish such regulations respecting the kindling, guarding and safe-keeping of fires, and for the removing of shavings and other combustibles from any building or place, as they shall think expedient. Such regulations shall be signed by a major part of the Engineers, recorded by the City Clerk, and copies by him attested posted up in two or more public places in the city thirty days before they shall take effect. Penalties not exceeding twenty dollars for each offence, may be prescribed by the Engineers for the breach of such regulations, and such regulations shall remain in force until altered or amended.

SEC. 15. The Board of Engineers may, from time to time, make and enforce such regulations for the government of the department as they may deem proper.

SEC. 16. If any member of either of the several companies shall wilfully neglect or refuse to discharge his duty, or shall be guilty of disorderly conduct, or disobedience to any officer or to any Engineer, he shall for any such offence be forthwith dismissed from the department. No person shall be permitted to engage to serve in the fire department who is under the age of eighteen years, and who does not sustain a good moral character.

SEC. 17. Every member of an engine, hook and ladder or hose company, who shall personally perform all the duties required by law, shall receive the sum of five dollars per annum, to be paid semi-annually; and the sum of twenty cents per hour at alarms of fires, and forty cents per hour at fires.

SEC. 18. The Chief Engineer shall receive in full for his services the sum of fifty dollars per annum, to be paid at the end of his term of office; and the assistant Engineers shall each receive in full for their services twenty-five dollars per annum, to be paid at the end of their term of office.

SEC. 19. The Steward of each engine company in this city shall receive in full for the performance of all the duties incumbent upon him as such Steward, when performed to the acceptance of the Board of Engineers, and the Foremen of the several companies, each the sum of fifty dollars per annum, to be paid in equal semi-annual payments, and charged to the appropriation for fire department.

## CHAPTER 7.

## Nuisances and Health.

## SECTION

1. Prohibition for erecting buildings for the manufacture and storage of certain articles without a license.
2. License from Board of Health for buildings already erected, exceptions.
3. Penalties, how recovered.
4. Mayor to appoint health officers.
5. Health officers may make regulations.
6. Health officers to complain of nuisances.
7. Health officers to remove nuisances after notice.
8. Health officers to employ assistant.

## SECTION

9. Health officers may remove nuisances without notice, when.
10. Owner or occupant to pay expenses.
11. Penalty for leaving offensive matters.
12. Privies and styes for swine regulated.
13. No vault or privy to be opened without permission.
14. Penalty for offences.
15. Mayor and Aldermen to appoint City Physician, and his duties.
16. Health officers give notice to remove nuisance, penalty for neglect.

SECTION 1. No person or persons shall hereafter erect or cause to be erected any building for the trying of tallow, currying of leather, deposit of grease, pelts or skins, boiling of bones, cleaning tripe or manufacture of glue, within the city of Manchester, without having first obtained a license from the Board of health therefor.

SEC. 2. No person or persons shall use or cause to be used any building already erected for any of the above mentioned purposes, without having first obtained a license from the Board of Health therefor, provided nothing in this ordinance shall be so construed as to effect any building already used for any or all of said purposes.

SEC. 3. Any person or persons offending against any of the provisions of this ordinance shall be fined not less than one dollar nor more than ten dollars for every day he or they shall continue the same, after notice from the Health Officers to remove said nuisance, to be recovered on complaint before the Police Court.

SEC. 4. The Mayor shall, at the commencement of each municipal year, appoint three Health officers, to consist of the City Marshal and two other persons, who shall each of them have power to carry into execution all laws of the State, and ordinances of the City Council, made for the preservation of the health of the inhabitants of said city.

SEC. 5. The Health officers may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health, as in their judgment the health and safety of the people may require, which shall take effect when they shall have been approved by the Mayor and Aldermen, recorded with such approbation by the City Clerk, and copies thereof posted in two or more public places in the city.

SEC. 6. It shall be the duty of the Health officers and each of them, to inquire into all nuisances and other causes of danger to the public health, and whenever they shall know or have cause to suspect that any nuisance or other thing injurious to the public health, is in any building, vessel or enclosure, they shall make complaint under oath to some Justice of the Peace, who shall issue a warrant directed to them to search such building, vessel or enclosure, and they may by virtue thereof in the day time forcibly enter therein and make such search.

SEC. 7. The Health officers may give written notice to the owner or occupier of any building, vessel or enclosure, to remove or destroy any nuisance or other thing deemed by them on examination to be injurious to the public health, within a certain time limited therein; and in case such owner or occupier, the said notice having been given to him or left at his usual place of abode, shall neglect to comply therewith, the said Health officers may forcibly enter such building or enclosure, and cause the said nuisance or other thing aforesaid to be removed or destroyed.

SEC. 8. They may employ such assistants and laborers as may be necessary, and if resisted shall have the same powers as sheriffs have by law to command assistance; and any person wilfully resisting them or their assistants or laborers in making such search or removing any such nuisance, or other thing aforesaid, shall on conviction be pun-

ished by imprisonment not exceeding twelve months, or by fine not exceeding five hundred dollars.

SEC. 9. When the owner of any building, vessel or enclosure shall be unknown to the Health officers, or shall not reside in town, and the same shall be unoccupied, or the occupant is in their opinion unable to remove the same, they may without any previous notice immediately cause any nuisance, or other thing by them deemed injurious to the public health, found therein, to be removed or destroyed.

SEC. 10. The owner or occupier of any building, vessel or enclosure shall be liable to pay the expense of the removal or destruction of any such nuisance or other thing as aforesaid, including the fees of the Health officers who order or cause the same to be removed, and the same may be recovered by action to be brought by the Health officers in the name of the city.

SEC. 11. If any person shall place or leave, or cause to be placed or left in or near any highway, street, alley or public place, or in any water where the current will not remove the same, any substance liable to become putrid or offensive, or injurious to the public health, he shall incur a penalty of not more than ten dollars nor less than one dollar.

SEC. 12. If any person shall erect or continue any house of easement or privy within forty feet of any street, or of the dwelling, shop or well of any other person, unless the same is vaulted six feet deep and sufficiently secured and enclosed, or shall erect or keep any pen or sty for swine so near the dwelling house of another as in the judgment of the Mayor and Aldermen shall be a nuisance, he shall incur a penalty of ten dollars, and a like penalty for each month he shall continue the same after due notice of such judgment.

SEC. 13. No vault or privy shall be opened without permission of the City Marshal, nor by any other person, nor in any other mode, nor at any other time, than such as said Marshal may direct.

SEC. 14. Any person who shall offend against any of the provisions of this chapter, shall forfeit and pay for each offence a penalty of not less than one nor more than ten dollars.

SEC. 15. The Mayor and Aldermen shall, annually, at the commencement of each municipal year, appoint some suitable person to be City Physician, who shall remain in said office during the pleasure of said Mayor and Aldermen, and whose place, in case of vacancy by resignation, removal, or any other cause, may be supplied by a new appointment. And it shall be the duty of said Physician to attend, under the direction of the overseers of the poor, upon all sick paupers and patients under the care of the city authorities at the poor farm or elsewhere, except in cases provided for by the county. In case of an alarm of any infectious or contagious disease, to give to either branch of the City Council or any committee thereof, all such professional advice and counsel as they may request of him, and generally to perform such other professional services as may reasonably be required of him, by the Mayor and Aldermen or the City Council; and shall receive such compensation as the Mayor and Aldermen shall from time to time determine.

SEC. 16. The Health officers may give written notice to the owner or occupier of any building, vessel, enclosure or other place or thing deemed by them on examination to be injurious to the public health, to cleanse, remove or abate the same immediately, and in case such owner or occupier shall neglect for the space of four days to comply therewith, he shall incur a penalty of not less than one or more

than ten dollars, and a like penalty for each day he shall continue the same; and such notice may be served by giving the same to such owner or occupier, or leaving the same at his usual place of abode.

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## CHAPTER 8.

### Sunday or Lord's Day.

#### SECTION

- 1. Shops to be closed, except.
- 2. No smoking in the streets.

#### SECTION

- 3. What is Sunday.
- 4. Penalty for offending.

SECTION 1. No person shall keep open his shop, warehouse, cellar, restorator or workshop, for the reception of company, or shall sell, give or expose to sale any spirituous or intoxicating liquors of any kind, or fruits, nuts, cigars, oysters, or confectionery of any kind, or books, pamphlets, newspapers, or merchandise of any kind, on the first day of the week, commonly called the Lord's day: but this shall not be construed to prevent any druggist or apothecary from selling medicine for medicinal purposes, or so as to prevent barbers or hair dressers from pursuing their avocation until the hour of 10 A. M., on said day, or to prevent the city agent or agents appointed for the purchase of spirituous and intoxicating liquors, and for the sale thereof within the city of Manchester, agreeably to an act of the Legislature of the State of New Hampshire passed June session, 1855, entitled "An act for the suppression of intemperance," from selling such liquors for medicinal purposes, agreeably to the rules and regulations of the Board

of Mayor and Aldermen, or as may be established by said Board for the government of such agent or agents.

SEC. 2. No person shall smoke any pipe or cigar in any public street or on any sidewalk in said city, within one mile of the City Hall, on said first day of the week.

Sec. 3. For the purpose of the provisions of the two preceding sections, the Lord's day shall be understood to include the time between the midnight preceding and the midnight of said day.

SEC. 4. Any person offending against any of the provisions of this chapter, shall be liable to a fine of not less than one dollar nor more than ten dollars for each offence.

## CHAPTER 9.

### Sewers and Drains.

#### SECTION

- 1. Abutters may enter sewer, when.
- 2. Conditions for entering.

#### SECTION

- 3. Drains, how constructed.
- 4. Licenses forfeited, when.

SECTION 1. The several persons owning lands abutting on streets in which a common sewer is or shall be constructed by the city, may be permitted to construct drains from their lots into such sewer, upon the following terms, having first obtained a license therefor of the City Clerk.

SEC. 2. Each owner shall pay for such permission the following rates, viz: Owners of land on Elm street, east side, shall pay fifty cents per foot front; owners of land on Elm street, west side, shall pay thirty-seven and a half

cents per foot front; owners of land on any street running east and west shall pay thirty cents per foot front; owners of corner lots who have paid for permission to enter the sewer on Elm street, may obtain permission to enter a drain in the sewer on the cross street at the same rate as for a twenty-five foot lot on that street; owners of lots on streets running north and south exceeding fifty feet front, shall pay twenty cents per foot front, provided, always, that whenever it is the opinion of the joint standing committee on sewers and drains that any person should, and of right ought to be permitted to enter a drain into any of the common sewers of this city, at a less price than herein specified, the Mayor and Aldermen may grant such license, at such price as the City Council shall determine.

SEC. 3. All drains which shall hereafter be entered into the common sewer, shall be constructed of stone, brick, iron, or sound plank of not less than two inches in thickness, and all the joints and connections securely cemented, and the same shall be provided with a gate or some other apparatus that shall prevent the water from the common sewer pouring back through said drain.

SEC. 4. Any person who shall suffer the water from any adjoining lot to pass through his drain into the sewer, shall forfeit his permit, and his drain shall be cut off.

## CHAPTER 10.

## Election of Officers.

## SECTION

1. City officers to be elected in April.
2. Term of office; vacancies, how filled.
3. All officers required to be elected in April to be elected in January.

## SECTION

4. All to be elected in January may be elected in January or February.

SECTION 1. The City Council in Convention shall, in the month of April, annually, elect the following officers, viz:

City Solicitor,

City Treasurer,

City Messenger,

Superintendent of Highways,

Corders and Measurers of wood, bark and manure,

Weighers of hay and straw,

Surveyors of lumber,

Fence Viewers,

Sealer of weights and measures,

Field Drivers,

Pound Keepers,

Cullers of brick,

Measurers of stone,

Measurers of brick and plastering,

Measurers of painting,

Cullers of hoops and staves,

Sealers and measurers of leather,

Superintendent of alms-house and City farm,

Keeper of the house of correction,

Superintendent of burials,

Measurers of coal,

Clerk of the market,

Hogreeves.

SEC. 2. Who shall hold their offices for one year, unless sooner removed, and until others are chosen and duly qualified; and if any vacancy shall occur in any of said offices which it shall be deemed necessary or expedient to fill

before the month of April next thereafter, the same may be filled by the City Council in Convention.

SEC. 3. All officers now required by any ordinance to be elected by the City Council or appointed by the Mayor and Aldermen in the month of April annually, shall be hereafter so elected or appointed in the month of January. (Repealed by next section.)

SEC. 4. All officers now required by any ordinance to be elected by the City Council or appointed by the Mayor and Aldermen in the month of January annually, shall be hereafter so elected or appointed in the month of January or February annually, and that vacancies may be filled at any time.

## CHAPTER 11.

### Duties and Compensation of City Officers.

#### SECTION

1. Salary and duties of Mayor.
2. Duties and salary of City Clerk.
3. Duties of City Solicitor.
4. Salary of City Solicitor.
5. Duties and salary of City Messenger.
6. Salary of City Treasurer.
7. Duties and compensation of Superintendent of Schools.

#### SECTION

8. Salary of Health officers.
9. Salary of School Committee.
10. Salary of Overseers of the Poor.
11. Duties and salary of the Clerk of the Board of Overseers.
12. Salary of Selectmen and Ward Clerks.
13. Salary of Moderators.

SECTION 1. The Mayor shall receive in full for his services, as Mayor, head of the Police, and for all the duties appertaining to said office, the sum of ten hundred dollars per year, to be paid in equal quarterly payments.

SEC. 2. The City Clerk, in addition to his duties as prescribed in the charter, shall have charge of the letting and

receiving pay for the hall, stores and offices, in the City Hall building, under the direction of the Mayor and Aldermen, or such Committee as the City Council may appoint, and shall account for and pay to the City Treasurer, monthly, all monies received for the use of said hall, stores and offices, and shall give a satisfactory bond for the due performance of these duties; and shall receive in full for his services as City Clerk, City Auditor, and for taking charge of the letting of the City Hall building and collecting said rents, and for all the duties appertaining to each of said offices, the sum of five hundred dollars per annum, to be paid quarterly; and, in addition thereto, he shall receive all fees originating from said office.

SEC. 3. It shall be the duty of the City Solicitor to draft all bonds, obligations, contracts, deeds, leases, conveyances and other legal instruments that may be required of him, by any ordinance or order of the Mayor and Aldermen or of the City Council, or which by any such ordinance or order heretofore passed are requisite and necessary to be done and made between the city of Manchester in its corporate capacity, and any person or persons contracting with the city, and which by law, usage or agreement, the said city is to be to the expense of drawing. Also to commence and prosecute all suits that may be brought by the order of the city, for, or on account of any estate, right, claim, privilege, or demand of the city. Also to appear in defence, in all actions and suits brought against the city or its officers in their official capacity, wherein the rights, estate, privileges, ordinances or acts of the city, or any breach thereof, may be brought in question before any court in this State, and shall do all and every other professional act which may be required of him by the City Government, or by any Committee of the City Council, or of either branch thereof,—and when required by the Mayor

and Aldermen or Common Council, or any Committee of the City Council, or of either branch thereof, he shall furnish a written opinion of any legal question or subject which may be submitted to him. And he shall, also, at all times, furnish legal advice to any officer of the city who may require his opinion upon any subject touching the duties incumbent on such officer. He shall, when requested by the Mayor, City Marshal, or either of the Assistant Marshals, commence and prosecute, before the Police Court, any suit or complaint that may be brought by the order of either of said officers, for the violation of any ordinance of the city or law of the State.

SEC. 4. The City Solicitor shall receive in full for his services as City Solicitor, and for all the duties appertaining to said office, the sum of one hundred dollars per annum, to be paid in equal semi-annual payments.

SEC. 5. The City Messenger shall deliver all notices and orders issued by the Mayor, the President of the Common Council, the City Clerk, by the City Council, either branch thereof, or by any committee of the same, when so requested: he shall have the care of the City Hall building, City Hall, City Clerk's office, and the rooms occupied by the City Council, or either branch thereof, and the committee rooms occupied by them, and shall, at all times, perform any duties connected with the building or city government when requested by the Mayor, City Council, or any member thereof. He shall receive in full for all his services the sum of three hundred dollars per annum, to be paid in equal quarterly payments.

SEC. 6. The City Treasurer shall receive in full for his services, and for all the duties appertaining to his office, at the rate of two hundred dollars per annum, said sum to be paid in equal quarterly payments.

SEC. 7. The Superintendent of Schools shall devote his whole time to the duties of his office as prescribed in the

law passed by the Legislature of this State, June, 1855, and shall receive in full for all his services the sum of five hundred dollars per annum, to be paid in equal quarterly payments.

SEC. 8. The Health officers shall receive in full for their services, each at the rate of twenty-five dollars per annum, said sum to be paid at the end of their term of office.

SEC. 9. The Board of School Committee shall receive in full for their services and for all the duties appertaining to said office, the sum of two hundred and eighty dollars per annum, to be paid to the order of a majority of said Committee at the end of their term of office, to be divided amongst said Committee as they may determine.

SEC. 10. The Overseers of the Poor shall receive in full for their services, as follows, viz: In wards one and two, the sum of twenty-five dollars each; in wards three, four, five and six, the sum of thirty-five dollars each; and in wards seven and eight, the sum of twenty dollars each; to be paid at the expiration of their term of office.

SEC. 11. The Board of Overseers shall appoint one of their number Clerk of said Board, whose duty it shall be to record all the proceedings of said Board, to make a record of all bills passed by said Board, to notify all towns which may have paupers assisted by the city, and duly to collect all bills due from such towns to the city, to arrange the county pauper bills, with a catalogue of the same, to be presented to the Judges of the Court at each term, and to make a copy of said catalogue, to be kept with the records of said Board. He shall receive in full for his services the sum of fifty dollars, to be paid semi-annually.

SEC. 12. Each of the Selectmen, and the Ward or Town Clerk of each ward in the city, shall receive in full for his services and for all the duties appertaining to his office, the sum of five dollars per annum, to be paid at the expiration of his official year.

SEC. 13. The Moderator of each ward shall receive in full for his services and for all the duties appertaining to his office, the sum of three dollars per annum, to be paid at the expiration of his official year.

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## CHAPTER 12.

### Highways and Superintendents.

#### SECTION

1. City to be divided into nine districts.
2. City Council to elect Superintendents of streets in April annually.
3. Superintendents to have charge of highways, &c.
4. Sidewalks in Elm street, width and inclination.

#### SECTION

5. Grade same as established by city, and constructed under directions of Supt. of streets.
6. Highways, &c., impassable; Superintendent to put up lantern.
7. Compensation of Superintendents.

SECTION 1. The city shall be divided into nine districts for the maintenance of Highways and streets, in the following manner, namely: District Number One shall include all the highways in School District No. 1, also the road leading from District No. 1 to the "Amoskeag Falls Bridge," and thence to the point where the Hooksett road strikes Elm street, and also that part of the Hooksett road which is between its intersection with Elm street and the southerly line of School District No. 1.

District Number Two shall include all the highways and streets in School District No. 2, which are not included in Districts Nos. 1, 3 and 7.

District Number Three shall include all the highways in School District No. 3, and that part of the Parker Farmer road which is situated east of Elm street, and west of the westerly line of School District No. 7.

District Number Four shall include all the highways in School District No. 4.

District Number Five shall include all the highways in School District No. 5.

District Number Six shall include all the highways in School District No. 6, and that part of the highway in School District No. 7, which leads from Manchester Centre to the Webster Mills, and situated east of the "Mammoth Road," and west of the westerly line of School District No. 6.

District Number Seven shall include that part of the "Mammoth Road" which is situated in School District No. 2, and all the highways in School District No. 7, except such as are included in District No. 6.

District Number Eight shall include all the highways in School District No. 8.

District Number Nine shall include all the highways in School District No. 9.

SEC. 2. The City Council shall, annually, in the month of April, choose in Convention, and by joint ballot, one person in each of the above described districts, to be styled Superintendent of Highways, and the said Superintendents shall hold their offices for the term of one year from the first of May next succeeding their election, and till others are chosen in their stead, unless removed by the City Council. Whenever, in any district, said office shall become vacant by death, resignation or otherwise, a new Superintendent shall be appointed, in the manner herein prescribed.

SEC. 3. The Superintendents of Highways shall, under the direction and control of the Mayor and Aldermen, have the general charge of the highways, streets, lanes, sidewalks and bridges of their respective districts, and shall attend to the making, amending and alteration thereof, and

cause the same to be kept in good repair, so as to be safe and convenient for travelers, with their horses, teams and carriages, at all seasons of the year. They shall also superintend the construction and repairing of drains and common sewers, and shall see that all nuisances or obstructions in any of the highways or streets under their care, are forthwith removed, or give notice thereof to the Mayor or City Marshal. They may, under the direction of the Mayor, make all necessary contracts for the supply of any labor or materials they may require in the discharge of their official duty. They shall take charge of all public wells, reservoirs and pumps in their respective districts; provided, that any particular duty belonging to the Superintendent of Highways, by this or any other ordinance, may be delegated or transferred, for any particular work, department or occasion, by the City Council by special resolution, to any other person or persons. The Superintendents shall judiciously expend such sums of money as may be yearly appropriated by the City Council, for the repairs of highways in the several districts, and shall render an account of their expenditures, monthly, to the City Clerk, which shall be laid before the Committee on Accounts, and settled in the same manner as other accounts against the city.

SEC. 4. All sidewalks in Elm street in said city shall be laid sixteen feet wide; and on all other streets, eight feet wide; and the inclination from the outer edge therefrom shall not exceed one half an inch to the foot.

SEC. 5. All such walks shall be laid upon the grade established by the city, shall be true and even, and constructed according to the directions of the Superintendent of Streets.

SEC. 6. Whenever any highway, bridge or street of the city shall from want of necessary repairs, or by reason of

any alteration or repair being made, or of any drains, common sewer or culvert being open, or constructed across or through the same, be unsafe or inconvenient for travelers or passengers, the Superintendent shall forthwith put up a suitable fence across such highway, street or bridge, and exclude all travelers passing over the same; or cause the parts thereof, so rendered unsafe or inconvenient as aforesaid, to be enclosed by a sufficient fence, which shall be kept standing so long as the same shall remain unsafe or inconvenient, and he shall also fix one or more lighted lanterns to said fence, or in some other proper manner, to be kept there every night, from twilight in the evening, and through the whole night, so long as said fence shall be kept standing.

SEC. 7. Said Superintendents shall receive the sum of one dollar and twenty-five cents per day, when engaged in the service of the city, except the Superintendent in District No. 2, who shall receive one dollar and fifty cents per day.

## CHAPTER 13.

### Cattle running at large.

#### SECTION

1. No cattle permitted to run at large.
2. Penalty for.

#### SECTION

3. Any person may impound.

SECTION 1. No sheep, swine, horses, mules, jacks, oxen, cows, or other cattle, shall be permitted to go at large on any street, lane, alley, common, square, or other public place within the city.

SEC. 2. Every person permitting any sheep, swine, horses, mules, jacks, oxen, cows, or other cattle, to go at large on any street, lane, alley, common, square, or other public place, within the limits aforesaid, shall be liable to a penalty of not less than two nor more than four dollars for each and every instance of such permission.

SEC. 3. Any person finding any such creatures so going at large, may impound and detain the same until said penalty and costs of impounding shall be paid, or he may make complaint against the person permitting such creatures to go at large.

## CHAPTER 14.

### Of Dogs.

#### SECTION

- 1. Every person keeping to obtain license.
- 2. Mayor to grant license, condition of.
- 3. Dogs to be muzzled, when.

#### SECTION

- 4. Provisions of this Chapter not to apply to Dogs not owned in the city.

SECTION 1. Every person keeping a dog and permitting him to run at large in any street, lane, alley, or other public place in the city of Manchester, without a license, and without said dog having around his neck a collar of brass, tin or leather, with the name of the owner or owners carved or engraved thereon, shall be liable to a fine of not less than two dollars nor more than five dollars.

SEC. 2. The Mayor may grant such license for one year only, on condition that the person applying for the same shall pay for the use of the city one dollar, and not otherwise, which license shall be recorded, and a copy of the same delivered to the person applying.

SEC. 3. Whenever, in the opinion of the Mayor and Aldermen, the public safety may require it, they may order that all dogs running at large in the city of Manchester shall be securely muzzled; and, after notice of such order shall have been posted up at three or more public places in said city, and until such order is revoked, the owner of every dog which may be found running at large in violation of the provisions of said order, shall be liable to a fine of not less than two dollars nor more than ten dollars.

SEC. 4. The provisions of this Chapter shall not extend to any dog not owned or kept within the city of Manchester, except dogs going at large having no owner or keeper.

## CHAPTER 15.

### Measuring Wood.

#### SECTION

1. No person to sell or offer for sale until measured,

#### SECTION

2. Certificates to contain quantity of wood, &c.

3. Penalty for violations.

SECTION 1. No person or persons shall sell or offer for sale, within the city of Manchester, any wood or bark loaded upon a cart, sled or other vehicle, without obtaining from some person duly appointed and sworn as measurer of wood in said city, a certificate of measurement of each load so offered for sale, and shall present the same to the purchaser or purchasers of said wood.

SEC. 2. All certificates that may be issued by any measurer of wood, shall express the quantity of each load

measured in the denominations usually employed in the measurement of cord wood, and the names of the respective drivers or owners of wood, and shall be written or printed with ink, or some material equally permanent, and not in pencil marks, and each measurer of wood shall keep a record or copy of all the certificates which he may issue, and shall, annually, on the second Monday in March, return the same, or a true copy thereof, to the Mayor and Aldermen.

SEC. 3. Any person offending against any of the provisions of this Chapter, shall forfeit and pay for each offence a fine of not less than two dollars nor more than ten dollars.

## CHAPTER 16.

### Weighing Hay.

#### SECTION

1. Public scales to be established.
2. Stands for the sale of hay and straw to be appointed.
3. Location of hay and wood stands.
4. Penalty for violations.

#### SECTION

5. Weighers of hay, when appointed.
6. Fees for weighing.
7. Weigher to attend personally at the scale.
8. Certificate, what shall constitute.

SECTION 1. It shall be the duty of the Mayor and Aldermen, from time to time, as the public good may require, to establish a sufficient number of public scales for the weighing of hay and other articles, and to cause the same to be erected and furnished with decimal weights, which shall be used in all cases.

SEC. 2. It shall be the duty of the Mayor and Aldermen to appoint suitable places in the streets or squares of said city, as stands for the sale of hay and straw.

SEC. 3. That the easterly half of Elm street between Merrimack street and Central street, and the westerly half of Elm street between Lowell street and Bridge street, be appointed and assigned as the only places in the city where wagons, carts, sleds, or other carriages containing wood, bark, or other fuel, hay or straw, shall stand for the sale of such articles.

SEC. 4. The owner or driver of any cart, wagon, sled, or other carriage containing wood, bark, or other fuel, hay or straw, for sale, who shall, before or after the weighing thereof, stand for sale of such wood, bark, or other fuel, hay or straw, in any other street or place or square within the city than the places appointed by this ordinance, shall be liable to a penalty of not less than one dollar nor more than five dollars, or who shall sell and proceed to deliver any hay or straw within the city, without having the same previously weighed and certified by one of the weighers appointed as heretofore prescribed, shall forfeit and pay for the use of the city the sum of five dollars, to be recovered by complaint before the Police Court.

SEC. 5. The City Council in convention shall in the month of April or May annually, or at any other time during the year when it may become necessary, appoint weighers of hay and straw, who shall perform all the duties, be liable to all the restrictions, and receive the compensation mentioned in Chapter Sixteen of the Revised Ordinances.

SEC. 6. The fees for weighing hay and other articles, to be received by the said weigher, shall be as follows, viz: one cent and one half for every hundred pounds of hay or straw, provided the fees for weighing shall in no case exceed twenty cents per load of hay or straw; one half of a cent for every hundred pounds of anthracite or other coal, and one cent for every hundred pounds of all other articles

except the weighing of stock, which shall in no case exceed twenty cents; provided, however, that the fee for weighing any article other than hay or straw, shall never be less than ten cents, and the cart or vehicle containing the same and other tare, shall be weighed without any charge. And no fee shall be taken for any weighing done on account of the city.

SEC. 7. It shall be the duty of the persons so appointed, to attend personally at the scales which may be assigned to them, respectively to deliver to the driver of every load of hay or straw weighed, a certificate in such form as is hereinafter provided, to keep an account of all hay and other articles which shall be weighed at said scales, in books to be furnished by the Mayor and Aldermen, which shall always be open to their inspection, and when filled shall be deposited in their office; and the persons so appointed shall settle their accounts quarterly with the Mayor and Aldermen, and shall pay over to the city one half of all the fees received by them respectively for weighing, and the half retained by him shall be full compensation for his services as weigher.

SEC. 8. The accounts kept by said weigher and the certificates given to the drivers of hay or straw, shall specify the name of the owner or driver, the town from which driven, the weight and tare, the amount of fees received, and the date of the certificate.

## CHAPTER 17.

### Hazardous Buildings.

SECTION	SECTION
1. Steam mills, furnaces, &c., how built, proviso.	4. Buildings already erected not to be so occupied, unless licensed.
2. Persons erecting to petition for license.	5. City Clerk to grant license, when.
3. Slaughter houses not erected without license.	6. Licenses to be recorded.
	7. Violations, how punished.

**SECTION 1.** No steam mill, furnace, foundery, blacksmith's shop or house for storing powder, shall be erected or built within the city of Manchester, unless the same is built of brick or stone, and the roof thereof covered with slate or tin, unless the Board of Aldermen shall give a license therefor.

**SEC. 2.** No person or persons shall hereafter erect or build, or cause to be erected or built any steam mill, furnace, foundery, blacksmith's shop, or house for storing powder, until he has presented to the Board of Aldermen a petition therefor, setting out the proposed situation of said steam mill, furnace, foundery, blacksmith's shop or house for storing powder, the materials of which the same are to be built, the dimensions, height and number of stories of the proposed building; the situation of all boilers in said building or buildings, the manner in which the same are to be secured or set, the height of chimney, and the various branches of business to be carried on or proposed to be carried on in said building, and having first obtained a license therefor.

**SEC. 3.** No person or persons shall hereafter erect or cause to be erected or built within the city of Manchester, any slaughter house, without first having obtained a license therefor.

**SEC. 4.** No person or persons shall use or permit to be used or occupied for the purposes aforesaid any building already erected, unless he shall have first obtained a license therefor, according to the provisions of this chapter, in re-

gard to erecting new buildings. Provided, however, that this chapter shall not apply to buildings now used for the purposes herein named.

SEC. 5. The Board of Aldermen may from time to time, as they deem proper, authorize the City Clerk to grant license as provided in the above sections, to any person or persons petitioning therefor.

SEC. 6. It shall be the duty of the City Clerk to record all such licenses granted as aforesaid, in a book to be kept for that purpose, and he shall receive therefor the sum of twenty-five cents, to be paid by the person or persons to whom said license shall be granted.

SEC. 7. Any person or persons shall forfeit and pay a sum not less than five dollars nor more than ten dollars for each and every day he or they shall continue his or their steam mill, furnace, foundery, blacksmith's shop, house for storing powder, or slaughter house, contrary to the provisions of this chapter, to be recovered by a complaint of the City Marshal before the Police Court.

## CHAPTER 18.

### Common Criers.

#### SECTION

1. Mayor and Aldermen to license com-

mon crier.

2. No person to cry without being licensed.

Penalty.

#### SECTION

3. Indecent, profane, &c., matter, not to be cried. Penalty.

SECTION 1. The Mayor and Aldermen may from time to time license, as common criers, such a number of persons

as they may judge to be for the public good; and the license so granted shall continue in force until the first day of May next after the date of the same; provided, however, that the same may at any time be revoked by said Board.

SEC. 2. No person not licensed as aforesaid, and no person whose license shall have been revoked as aforesaid, shall presume to be a common crier, or to cry any sort of articles, lost or found, stolen goods, strays, or public sales within the limits of the city, under a penalty of not less than one nor more than ten dollars for each offence.

SEC. 3. No person shall publicly cry any indecent, profane, abusive or libelous matter in the city, under a penalty of not less than one nor more than ten dollars for each offence.

## CHAPTER 19.

### Habitual Truants.

#### SECTION

1. Adopting the "Act concerning truant children," &c.
2. Complaint for violations to be made to Police Justice.
3. School committee to appoint one of their number to make complaints.
4. Penalty for violation.
5. Police Justice may commit instead of a fine.

#### SECTION

6. School Committee to provide an institution of instruction.
7. School Committee to provide house of reformation.
8. Joint standing committee on accounts to regulate salary, &c.
9. Fees and fines to be paid into treasury.

SECTION 1. An act passed by the Legislature of the State of New Hampshire, approved January 5, 1853, entitled "An act concerning truant children and absentees from schools" is hereby adopted by the city of Manchester, to take effect and be in force in said city.

SEC. 2. Complaints for violation of said act or of this chapter or any ordinance that may be passed in pursuance of said act, shall be made to the Justice of the Police Court of this city.

SEC. 3. The School Committee shall annually, as soon as may be after the third Tuesday of March, elect one of their number, who, together with the City Marshal and Assistant City Marshal, or any one of them, shall make said complaints and carry into execution the judgments of the Justice of the Police Court.

SEC. 4. Any child between the ages of six and sixteen years, without any regular and lawful occupation, who shall, except in case of ill health, habitually neglect to attend school, or become an habitual truant growing up in ignorance, upon conviction thereof, shall be fined not less than one dollar nor more than ten dollars.

SEC. 5. Instead of the fine mentioned in the fourth section of this chapter, the Justice of the Police Court may, at his discretion, order any child convicted of any offence described in said act, to be committed to such institution of instruction, house of reformation, or suitable situation as may be provided for the purpose, in the manner herein-after provided, for a term not exceeding one year.

SEC. 6. The School Committee of this city shall immediately provide and create an institution of instruction to which children convicted as aforesaid may be committed, and for that purpose, may select any of the public schools of this city; and such institution of instruction shall in all respects be under the direction of the School Committee, in the same manner as the other public schools.

SEC. 7. The School Committee shall also provide or establish one or more houses of reformation or other suitable situation, subject, however, to the approval of the Mayor, for the reception of children convicted as aforesaid. And

said houses of reformation or other suitable situation shall be under the control of such person or persons as the School Committee shall select and the Mayor approve.

SEC. 8. A reasonable compensation shall be allowed to such member of the School Committee as shall be elected pursuant to the third section of this chapter, to the teacher of such institution of instruction as may be provided or erected, pursuant to the sixth section of this chapter, and to the person or persons who shall have the control of such houses of reformation or other suitable situation as shall be provided or established pursuant to the seventh section of this chapter, said compensation to be regulated by the joint standing committee on accounts.

SEC. 9. All fines and fees received by any person in the discharge of his duties in carrying into effect the provisions of said act, or of this chapter, shall be paid to the City Marshal, and by him be paid into the City Treasury, and the expenses of such schools, houses of reformation, or other suitable situation before mentioned, shall be paid by the city.

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## CHAPTER 20.

### School Districts.

#### SECTION 1. Boundaries of several school districts.

SECTION 1. The boundaries of School Districts number one, two, three, four, five, six, seven, eight and nine, shall remain the same as at present established, and said Districts shall be known by their respective numbers, and shall continue separate and distinct School Districts.

## CHAPTER 21.

## Repeal of previous Ordinances.

## SECTION

1. Previous ordinances repealed.
2. Rights accruing or accrued not to be affected by repeal

## SECTION

3. The provisions of sec. 3, chap. 1, not to apply to this ordinance.
4. Revised ordinances to take effect from and after March 21, 1854.

**SECTION 1.** All the by-laws of the town of Manchester, and all orders and ordinances and parts of orders and ordinances, heretofore passed by the City Council, inconsistent with any of the provisions of the preceding chapter, are hereby repealed.

**SEC. 2.** The foregoing repeal shall not affect any act done, or right accruing or accrued, or any suit or process pending when such repeal may take effect, nor offence committed or penalty incurred: and no ordinance or part thereof which has been heretofore repealed, shall be revived by force of the repeal in the preceding section.

**SEC. 3.** The provisions contained in chapter one, section three, of this ordinance, prescribing the manner in which the city ordinances shall be published and promulgated, shall not apply to this ordinance.

**SEC. 4.** All the provisions contained in the preceding chapters shall take effect and go into operation from and after the twenty-first day of March, in the year of our Lord, one thousand eight hundred and fifty-four.

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## CHAPTER 22.

## School and Highway Districts No. 10 and 11.

## SECTION

1. Boundaries of School District No. 10.
2. Boundaries of School District No. 11.
3. Rights of the districts.
4. Who shall call the first meeting in each district.

## SECTION

5. Highway Districts No. 10 and 11 defined.
6. Boundaries of Highway District No. 12.
7. Boundaries of Highway District No. 13.

SECTION 1. That so much of the city of Manchester as is included within the limits of ward seven, and within so much of the limits of ward eight as is situated on the southerly side of Piscataquog river, be and hereby is created a separate and distinct school district, to be known as School District Number Ten.

SEC. 2. So much of the city of Manchester situated on the westerly side of Merrimack river as is not included in School District Number Ten, be and hereby is created a separate and distinct school district, to be known as School District Number Eleven.

SEC. 3. Said districts shall be entitled to all the rights and privileges, possess all the powers and be subject to all the restrictions and liabilities of other school districts in said city.

SEC. 4. Benjamin F. Wallace, William Whittle, and Daniel K. Mack, or any two of them, may call the first school meeting in School District Number Ten: and Joseph B. Quimby, Hiram Forsaith, and Daniel Farmer, Jr., or any two of them, may call the first school meeting in School District Number Eleven: and such notice shall be given and such proceedings had, in each case, as is required by law of prudential committees.

SEC. 5. That part of the city which is situated west of Merrimack river is hereby divided into two highway districts, to be known as Highway Districts Number Ten and Eleven.

Highway District Number Ten shall include all the highways in School District Number Ten.

Highway District Number Eleven shall include all the highways in School District Number Eleven.

SEC. 6. That so much of the highway in District No. 7, known as the Bald Hill road, lying between the Mammoth road and the town of Auburn, and so much of the Mammoth road as lies between Hooksett line and the north side of Hanover street, shall be known as Highway District No. 12.

SEC. 7. That so much of the highway in District No. 1, as lies between the junction of Union street with the Hooksett road, so called, and Hooksett town line, shall be known as Highway District No. 13.

## CHAPTER 23.

### Claims and Accounts.

#### SECTION

1. Joint Standing Committee on Finance shall not approve claims contracted against the city unless contracted in accordance with ordinance.
2. Order books for each appropriation to be furnished; accounts, how kept therein; how kept.
3. Supt. of Streets and Agents of Highways shall make monthly returns to City Clerk for labor hired; tools and materials purchased shall be entered on order books at the time of purchase.
4. Order-book for fire department, where and how kept; returned to City Clerk, when ; delivered up, when.

#### SECTION

5. Overseers of Poor, Supt. of Alms-House and House of Correction to be furnished with order-books; accounts, how kept; returned to City Clerk, when.
6. Order-book for each school district; accounts, how kept; returned to City Clerk, when.
7. Order-book for police, how and by whom kept; returned monthly to City Clerk.
8. Leger of City Clerk, how kept.
9. City Clerk to keep an account of certain expenses contracted prior to 1st Tuesday of January, 1857.
10. How such accounts shall be kept.

SECTION 1. No person, persons, committee or agent, contracting an account or claim against the city of Manchester, shall be allowed to contract the same in any other way

or manner than as provided in the following sections, and the Joint Standing Committee on Accounts shall not pass or allow any bill or account against the city unless contracted as prescribed in said sections. And the city shall not be liable for any bill or account which has not been contracted in accordance with the ordinance.

SEC. 2. There shall be furnished by the city one order-book for each department or appropriation made by the City Council, on which shall be entered an account of all materials, Merchandise, and horse and carriage hire, purchased or obtained for or in behalf of the city (except as hereinafter provided) with the name or firm of the person or persons who shall furnish the same, the amount of the materials, merchandise, or horse and carriage hire so furnished, the price of the same, the date of the transaction, and the person, persons, committee or agent, to whom delivered ; said order-books to be kept at the City Clerk's office unless otherwise provided.

SEC. 3. All Superintendents of Streets, Committees or Agents, contracting for labor on the highways, sewers or commons, shall once in each month return to the City Clerk an account of all labor so contracted, that the same may be entered upon the order-book for such highway district, sewer or common, but all tools or materials purchased for any highway district, sewer or common shall be entered upon its appropriate order-book at the time of the purchase.

SEC. 4. The order-book for the fire department shall be left with the Committee on Supplies of the Board of Engineers, or with such officer as the Board of Engineers may designate, and no Foreman, Assistant Foreman, Steward, or any other officer or member of any company composing the fire department, shall be allowed to contract any bill or account against the city unless the same shall be entered upon said order-book as above prescribed, and on or before

the 24th of each month said order-book shall be returned to the City Clerk's office for the purpose of transferring the amounts so entered to a book to be kept by the City Clerk as hereinafter prescribed, and as soon as the same shall have been transferred, then said order-book shall be returned to said committee or officer; said committee or officer shall always make a final return of said book to the City Clerk's office at the expiration of their or his term of office, to be handed to his or their successors.

SEC. 5. Each of the Overseers of the Poor and the Superintendent of the Alms-House and House of Correction shall severally be furnished with an order-book, in which they shall enter all materials furnished by them or their order, and all accounts or claims contracted by them against the city, under their appropriate heads of "City Farm," "Paupers off the Farm," and "County Paupers," and in the manner above provided; and it shall be the duty of each Overseer, and of said Superintendent, to bring his book to the City Clerk once in each month, that the same may be transferred and charged upon the book kept by the City Clerk.

SEC. 6. There shall be an order-book for each school district, to be kept by the proper officer authorized by the school committee to contract debts and accounts, in which shall be entered all the expenses of each school district in the manner above prescribed, and no school teacher shall be allowed to contract any debt or account for books, materials, or articles of any kind, unless authorized specially so to do, and unless the same is entered upon its proper order-book. And said order-books shall be returned once in each month as provided in the above section relative to the Overseers of the Poor.

SEC. 7. The order-book for the police department shall be kept by the City Marshal or Assistant, and all debts or

demands against the city arising in said department shall be entered therein as above provided; and the City Marshal shall see that the same is returned once in each month to the City Clerk, for the purpose of being transferred, as in other departments.

SEC. 8. The City Clerk shall keep a book in the form of a journal or ledger, on which he shall enter each month the amounts of the several accounts specified in the several order-books above mentioned, in such a manner as will give the true state of every appropriation made by the City Council.

SEC. 9. It shall be the duty of the City Clerk to keep, in a book for that purpose, an accurate account of unpaid current expenses contracted prior to the first Tuesday of January, A. D. 1857.

SEC. 10. He shall for the purpose aforesaid open a separate account under the various heads of the appropriations, and state the amount paid each month of bills, drafts, claims or demands against the city ordered or incurred before the said first Tuesday of January.

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## CHAPTER 24.

### Shows and Exhibitions.

#### SECTION

1. Shows and exhibitions of various kinds prohibited without a license.

#### SECTION

2. Pay and conditions of such license regulated by Mayor and Aldermen.  
3. Penalty for violation of this ordinance.

SECTION 1. No show-man, tumbler, rope-dancer, ventriloquist, juggler, or other person, shall for pay exhibit any

feats of agility, horsemanship, or slight-of-hand, rope-dancing, or feats of cards, or any animals, wax-figures, puppets, or other show, or shall perform or exhibit any theatrical or dramatic representation or other exhibition, performance, or show of any kind or description in the city of Manchester, unless a license therefor in writing, specifying the days or evenings such person is allowed to perform or exhibit, shall first be obtained from the Mayor and Aldermen.

SEC. 2. Every such person shall pay for such license for the use of the city such sum, and be otherwise subject to such terms and conditions, as the Mayor and Aldermen shall order and require.

SEC. 3. If any person shall violate the provisions of this ordinance he shall for every such offence be punished by a fine not exceeding fifty dollars nor less than ten dollars.

## CHAPTER 25.

### Superintendent of Burials.

#### SECTION

1. Superintendent to have care of public  
property in the cemetery.

#### SECTION

2. Superintendent shall give bonds.  
3. Repealing clause.

SECTION 1. The Superintendent of Burials shall have the care and entire control of the hearse or hearses, tools and fixtures, and public property of every description belonging to the city of Manchester, used in and around the public cemetery or cemeteries in said city for the burial of the dead.

SEC. 2. The Superintendent of Burials, immediately after his election to said office, shall give bonds, with sufficient sureties, to said city of Manchester, in the sum of five hundred dollars, for the faithful discharge of his duties.

SEC. 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

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## CHAPTER 26.

### Fire Police and Protection Company.

#### SECTION

1. Hew appointed, duties at fires, and powers.
2. Pay of the company.

#### SECTION

3. Officers of company.
4. Repealing clause.

SECTION 1. There shall be appointed by the Board of Mayor and Aldermen a company known as the Fire Police and Protection Company, to consist of not more than thirty men, whose duty it shall be in case of fire to repair at once to the scene of the same, and remove all goods from the building or buildings on fire, or from such building or buildings that may be in danger, to some safe place designated by the City Police, and take charge of the same until relieved by said City Police, and while on duty as aforesaid shall have all the powers of police officers.

SEC. 2. Said company shall not receive any pay except for actual services rendered in the capacity of police officers.

SEC. 3. Said company shall have a Foreman, Assistant Foreman, and Clerk, and such other officers as may be

necessary to be elected by the Company and approved by the Mayor and Aldermen.

SEC. 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

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## CHAPTER 27.

### Police Court Room.

SECTION 1. Civil and Criminal terms to be held in Court Room of City Hall.

SECTION 1. The Civil Terms and Criminal Sessions of the Police Court of the City of Manchester shall be holden in the Court Room in the City Hall, and the same shall be known as the Police Court Room of the City of Manchester.

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## CHAPTER 28.

### Collection of Taxes.

SECTION

- 1. Collector to notify tax-payers.
- 2. Discounts made of taxes paid at certain times.

SECTION

- 3. Collector shall give written notice to those whose taxes remain unpaid, when ; notice, how paid for.
- 4. Poll tax, how collected.

SECTION 1. The Collector, upon receipt of the tax list from the Assessors, shall immediately notify every person

taxed by leaving a copy of his tax bill at his usual place of abode.

SEC. 2. All taxes due this city may be paid at the Collector's office. A discount shall be allowed of five per centum on all taxes paid on or before the first day of July, four per centum on all paid on or before the first day of August, three per centum on all paid on or before the first day of September, two per centum on all paid on or before the first day of October, and one per centum on all paid on or before the first day of November.

SEC. 3. After the first day of December, and earlier if in the judgment of the Collector the collection of said taxes would be jeopardized by such delay, the Collector shall give a notice to all persons whose taxes due the city remain unpaid, and if such taxes are not paid within fourteen days thereafter, together with twenty cents for said notice, the Collector shall proceed to collect the same according to Sec. 18, Chap. 45, of the Revised Statutes.

SEC. 4. Every person from whom only a poll tax is due the city, shall pay the same within fourteen days after legal notice shall have been given him or left at his usual place of abode by the Collector, and if such tax is not then paid, the Collector shall proceed to collect the same according to the statute referred to in Sec. 3 of this ordinance, and giving said persons the discount as in Sec. 2 of this ordinance.

## CHAPTER 29.

### Election of certain City Officers.

**SECTION**

1. Officers to be elected or appointed in January, February and March.	<b>SECTION</b> 2. Repealing clause.
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**SECTION 1.** All officers now required by any ordinance to be elected by the City Council or appointed by the Mayor and Aldermen in the month of January and February annually, shall be hereafter so elected or appointed in the month of January, February and March annually, and that vacancies may be filled at any time.

**SEC. 2.** All ordinances and parts of ordinances inconsistent with this ordinance are hereby repealed.

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## CHAPTER 30.

### Highway Districts No. 12 and 13.

**SECTION**

1. Disannexing parts of Highway District No. 2 and 7, and annexing the same to Highway District No. 12.	<b>SECTION</b> 2. District No. 12. 3. " " 13. 4. Repealing clause.
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**SECTION 1.** So much of the highway and streets in Highway District numbered Seven, north of Candia Road (so called); so much of highways and streets in Highway District numbered Two, east of Wilson road (so called), and all of highways and streets in Highway District numbered Twelve, be and hereby are incorporated or formed into one District, to be known and styled, Highway District numbered Twelve.

**SEC. 2.** So much of the highway in District No. 7, known as the Bald Hill Road, lying between the Mam-

moth Road and the town of Auburn, and so much of the Mammoth Road as lies between Hooksett line and the north side of Hanover street, shall be known as Highway District No. Twelve.

SEC. 3. So much of the highway in District No. 1 as lies between the junction of Union street with Hooksett road, so called, and Hooksett town line, shall be known as Highway District No. Thirteen.

SEC. 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

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## CHAPTER 31.

### Police Officers numbered.

SECTION 1. Police officers to be numbered ; the number of each new officer designated.

SECTION 1. It shall be the duty of the Mayor and Aldermen forthwith to number all the Police Officers holding office, or who shall hereafter be appointed, and to cause the corresponding number to be fixed to each officer's badge ; and that hereafter when the Mayor and Aldermen shall appoint a police officer or officers, they shall designate the number each shall bear, either taking the place and number of some one now in office or an additional and higher number.



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